

INDIAN CIVICS AND ADMINISTRATION

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भारतीय दिव्या सन्दर्भ

(Third Edition)

क्र. No. 2

G. R. BHARGAVA & SONS
PRINTERS, PUBLISHERS & BOOKSELLERS
CHANDAUSI, (U.P.)

1945]

[Rs, 3/-

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Printed by B. L. Bhargava,
at his Bhargava Printing Works, Chandauli.

Preface to the Third Edition

This is a companion volume to our *Elements of Civics* which has been so well received both by the students and teachers of Civics and Politics as well as the general public. This is an appropriate time for a serious study of not only the general problems of civics but also for a detailed and critical study of the problems of Indian Administration. It is hoped that this small treatise will be found useful to all interested in the subject.

In this Third Edition, an attempt has been made to make the book more useful by incorporating additional matter on the Federal Court of India, Federal Railway Authority, and Reserve Bank, besides general revision of all chapters.

THE UNIVERSITY,
LUCKNOW
August, 1945

V. S. RAM,
B. M. SHARMA.

जननी जन्मभूमिश्च स्वर्गादपि गरीयसी

Dedicated

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To

MOHANDAS KARAMCHAND GANDHI

- CITIZEN OF THE WORLD -

- - LOVER OF PEACE - -

BENEFACITOR OF HUMANITY

- - - - - AND - - - - -

- LIBERATOR OF INDIA -

CHAPTER I

MOTHER INDIA

Few of us realise that Mother India is a veritable museum of curiosities—cultural, economic, social, and political. Her geographical and physical conditions are largely responsible for the differences in the customs and manners, trades and professions, dress and food, and general life of the people in the different parts. The vastness of the country may be understood from the fact that for quite a long time the whole land was not known to the people beyond her frontiers. For example, Herodotus knew only the Punjab; the Europeans, in the Middle Ages, had merely heard of 'the land of spices' in the east, which later came to be known as the East Indies.

Vastness of the Country.—India lies to the south of the continent of Asia, lying between 5 and 37 degrees of parallels of North Latitude, and 67 and 99 degrees of lines of Longitude. The Tropic of Cancer passes almost through the central part, thus dividing the country into two halves, the northern lying in the Temperate Zone and the southern in the Torrid Zone. Her greatest length from Nanga Parbat in Kashmir to Cape Comorin in the south is 2,000 miles, and the greatest breadth from Sukkur in the west to the eastern-most point of Assam is nearly 2,000 miles. The country is almost triangular in shape, broadest in the north

where she is fenced in by mountain ranges, of which the Himalayas are the most impregnable, and tapering towards the south, the other two sides being bounded by an enormous sea-board almost 3,500 miles in length. The Himalayan ranges turn a little to the west where they form the north-west frontier traversed here and there by passes which have, at different periods of her history, allowed an access to vast invading hordes of foreigners, though on many occasions, women and children had not followed the invaders. This resulted in intermarriages between the new-comers and the old inhabitants of India. "Thus the piecemeal nature of successive conquests and the enforced intercourse between conquerors and conquered have produced a remarkable continuity of Indian civilization. Despite periodic invasions of the country by peoples of widely divergent races, religions and customs, many affluent streams have been absorbed into two particular systems"—the one in *Aranyakarta* and the other in the *Deccan*.

The total area of India is 1,805,332 sq. miles, of which British India covers 1,094,300 sq. miles and the Indian states 711,032 sq. miles. Thus in her extent of territory, India is equal to Europe minus Russia, some of the districts in British India being as big as Belgium.

It is now easy to understand why this vast sub-continent has marked variations in the customs, man-

Natural Divisions of India.—From the physical point of view India has been divided into four natural divisions, *viz.*, (1) the mountain region in the north, (2) the great plain in the north, or the great Indo-Gangetic Plain, (3) the Table-land or the Deccan, and (4) the Coast-Strips.

Each Division is different from the rest.

The Mountain Region of the North.—This region consists of the Himalayas and their eastern and western off-shoots. The Himalayas are the highest mountains in the world. Everest, Gaurishanker and Kinchinchinga are the highest peaks. The Himalayas are not only very high but also very wide, and therefore stand like a huge wall on the northern boundary of India. The Karakoram mountain stands on the north-east of Kashmir. Among the north-western ranges of the Himalayas the Hindukush, the Suleman and the Kirthar ranges are important. Of the eastern off-shoots which traverse Assam and Burma, Garo, Khasi and Jantia Hills (in Assam) and Pegu Yoma, Arakan Yoma and Tennesarim Yoma (in Burma) are important. These ranges are intersected by large rivers. India derives very great advantages from the Himalayas. Over the high hills lie the important stations which are the summer resorts of people from the plains, of which Darjeeling, Nainital, Mussoorie, Bhowali, Simla, and Dalhousie are very famous. The whole of the mountain is covered with green trees which supply large quantities of useful timber to India. The monsoons from the southern side are checked by the Himalayas, and therefore the big northern plain gets plenty of rainfall. In the north-west corner lies the beautiful valley of Kashmir which is famous for its natural beauty in the world. The

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in this part. Many other external invasions from the north-west were made into this plain. The riches of the plain attracted the attention of the European nations too who came and settled in Bengal. Several important places like Panipat, Plasssey, Buxar, Cawnpore, Meerut, Hastinapur, Patna, Kaushala, Mithila, Ayodhya, Mathura, Jhansi and Gwalior lie in this plain. Therefore, this plain has a great historical importance.

The Deccan.—Southern India begins from the river Tapti. This region is triangular and is surrounded on all the three sides by mountains. On the north stretch the Vindhya ranges, on the east lie the Eastern Ghats and on the west are the Western Ghats. This table-land is highest in the west and slopes towards the east, therefore the rivers Godavari, Mahanadi, Kristna, and Cavery, all flow towards the east and fall into the Bay of Bengal. The soil is generally rocky, hence there are no canals, nor are wells easily dug. The cultivators collect water in huge tanks and then use it for irrigation. Only at the mouths of the big rivers and their tributaries do we find small tracts of alluvial and fertile land which is irrigated by the rivers. The northern part of the Deccan is made of black soil which is very useful for growing cotton which is, therefore, the chief product of that part. It is from this tract that the Bombay mills get their largest supply of cotton. In the south, Nilgiri hills are famous for their natural beauty.

From the historical point of view, the Deccan has an importance all its own. The rulers of the northern plain made repeated efforts to subdue the Deccan, but the Vindhya and the build of the table-land did not allow them to succeed. For this reason, ancient culture,

big rivers—the Indus, the Ganges, the Jumna and the Brahmaputra rise from the Himalayas and make the extensive plains very fertile. To the south of the mountain, at its foot, is the *terai* full of jungles in which the wild beasts abound.

The Indo-Gangetic Plain.—It is a very big quadrangular plain watered by the famous rivers of India—the Indus, the Ganges, the Jumna and the Brahmaputra and their tributaries. These rivers, rise from the Himalayas which are covered with perpetual snow, and therefore even in the summer the rivers are full of water. The greatest height of the plain is 1,000 feet. The height increases as we travel upwards from the mouths of the rivers. The rivers cut the biggest stones, reduce them to powder in their rapid course near the mountains, and spread the alluvial soil on their banks, and for this reason the plain is very fertile. As the rivers flow smoothly and slowly lower down, through the plains, they are very useful for irrigation, and many canals have been cut from them. This plain stretches from the Himalayas right upto the Vindhya, and from the North-West Frontier Province upto the eastern boundary of Bengal, and therefore, contains the Punjab, United Provinces of Agra and Oudh, Behar, Orissa, Bengal, northern part of Central Provinces, and Rajputana. The whole of the plain, except the desert of Rajputana and hilly tracts of Central Provinces, is the granary of India. Wheat, barley, maize, cotton, rice, jute and opium, are all largely grown here. For that reason this plain is the most thickly populated part of India. A part of the plain, comprising the valleys of the Indus and the Ganges, is called *Aryavarta*, because when the Aryans came into India they at first settled

in this part. Many other external invasions from the north-west were made into this plain. The riches of the plain attracted the attention of the European nations too who came and settled in Bengal. Several important places like Panipat, Plassey, Buxar, Cawnpore, Meerut, Hastinapur, Patna, Kaushala, Mithila, Ayodhya, Mathura, Jhansi and Gwalior lie in this plain. Therefore, this plain has a great historical importance.

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and customs are preserved to this day more in the Deccan than in the plain. The Hindu temples of the Deccan are very famous, particularly the beautiful temples of Madura. The Deccan is also the field of Maratha glory. Here are Vijaynagar, Surat, Seringapatam, Madura and Mysore, famous in history, past as well as present.

Modern civilization has taken greater strides in northern than in southern India. This is due to the lack of railway communications in the south, and the sparseness of population on account of unproductiveness of the soil. The big states of Hyderabad and Mysore form part of the Deccan.

The Coast-Strips.—Mountains, called the Eastern Ghats and Western Ghats, run parallel to the east and west coasts of India. Between the Eastern Ghats and the east coast lies a broad plain called the eastern coast-strip which is an important part of Madras presidency. Similarly, between the Western Ghat and the west-coast lies the narrow strip of land, called the western coast-strip which forms a part of Bombay presidency. The following is a comparative description of the two coast-strips :—

(1) The eastern coast-strip is broader than the western, and, therefore, much more cultivated. It grows small maize, bajra, rice, etc. in abundance. The Krishna, the Godavari and the Mahanadi have made fertile deltas along the east coast. But the western coast-strip is narrow, has a very heavy rainfall, and produces large quantities of fruits, cocoanuts, spices, etc. Only two rivers of southern India, the Narbada and the Tapti, flow towards the west, but they do not make any delta.

- (2) The Western Ghats, being very much higher than the Eastern Ghats, check the monsoon rising from the Arabian sea, and therefore the rainfall on the narrow coast strip is so great that large quantities of water are stored up high on the hills, and hydroelectric works have been constructed. The electric current is carried to work the Bombay mills, while the water is used for fruit growing. But the Eastern Ghats being less high, there is less rainfall, and the soil being less rocky, there is more cultivation.
- (3) The eastern coast-strip has the seaports of Madras, Pondicherry, etc., while Bombay, Daman and Diu are the natural ports on the west.
- (4) The western coast-strip has a peculiar historical importance. Its northern part is called 'Surashtra' or 'Maharastra'. It has many hill-forts and valleys which formed the field of Maratha glory in the eighteenth century. It was here that Shivaji had given proof of his wonderful courage and military talents. On the contrary, the foreigners easily subjugated the eastern part of the Deccan, and here the French and the English several times fought for the establishment of their supremacy in India.

These physical conditions are largely responsible for the great differences in climate, from the extreme cold in the Himalayan region to the great heat of Sind, and for the different products in the several parts of the country with consequent varieties of food in the several provinces, the dress of the people, their manners

and their different levels of intelligence. The profound influence of these diversities in the physical environments of the country upon the people India can hardly be over-estimated.

The People of India—Historians opine that the Aryans were the first to enter India from the north-west. For a considerably long time they settled in the Punjab where they carried on their peaceful pursuits. But later on, due to natural rise of other races they forced their way further inland, thus coming into contact with the Kols and the Dravidians who were forced by the superior strength and culture of the Aryans to cross the Vindhya range and occupy the southern country. In this way, the Vindhya range divided India into two racial and, to some extent, cultural halves, the north remaining mainly Aryan in extraction and the south mainly Dravidian. Successive invasions of new tribes and races from the north-west, chief of them the Greeks, the Sakas, the Yueh-Chis, the Huns, the Scythians, the Iranians, the Mongols and the Muslims, led to the formation of mixed races which occupied distinct parts of the country. From the north-east as well some foreigners entered India through narrow passes, but their influence on the inhabitants of this country was not appreciable.

The peoples of India have been divided into seven main physical types :—

(1) *The Turko-Iranians*. They were formed by a fusion of the Turks and the Persians, with a preponderance of the former. They are the Baluchis and Afghans inhabiting the Baluchistan Agency and the North-West Frontier Province. They are a very hardy and warlike people and at present contribute large contingents to the Indian Army.

(2) *The Indo-Aryans* are considered as the direct descendants of the original Aryan invaders and occupy the Punjab, Rājputana and Kashmir, forming the bulk of the Khatris, Rajputs, and Jats.

(3) *The Aryo-Dravidians*, as the name connotes, were formed by an inter-mixture of the Indo-Aryans and Dravidians with a larger proportion of the former. They occupy the United Provinces of Agra and Oudh, Parts of Rājputana and Bihar.

(4) *The Mongol-Dravidians*, found in Bengal and Bihar, represent the mixed type of the Mongols and the Dravidians, with a certain element of Aryan blood in the higher castes.

(5) *The Mongoloids*, are found in the Himalayan region (including Nepal, Assam and Burma)

(6) *The Scythio-Dravidians*, formed by a blending of the Scythians and Dravidians, comprise the Marhatta Brahmins, the Kumbis and the Coorgs.

(7) *The Dravidians* are by far the only original type and extend from Ceylon right upto the Gangetic valley; though at present they are modified by degrees of admixture of the Aryans, Scythians and Mongoloids.

It must, however, be remembered that although a casual observer will not find it difficult to distinguish the one type from the other, he will not be able to say at what particular stage the change from the one type to the other really takes place.

Languages of India—What is true of the racial composition of Indian peoples is equally true of the languages spoken in India. The country is so vast and, till lately, the means of communication were so rare

and difficult that one single language had no chance whatever of becoming the spoken language of the people. Moreover, as various invading hordes entered India, they brought their own language along with their customs and institutions. These languages intermixed with those already spoken in the country, thus producing mixtures of varying degrees.

It is generally estimated that at present about 150 languages are spoken in India, with innumerable dialects. As the map shows these languages may, however, be roughly grouped into in 19 classes each of which consists of a number of languages. Another important point to remember is the fact that Prakrit (old Sanskrit) and Persian are responsible for giving rise to a number of modern Indian languages.

The principal languages belong to three categories:—
 (1) *Aryan* languages including Hindi, Bengali, Behari, Oriya, Rajasthani, Marathi, Gujarati, and Punjabi; (2) *Dravidian* languages include Tamil, Telugu, Malayalam and Kanarese; (3) *Indo-Chinese* including Assamese, Tibbeto-Chinese, Pashto, Baloch, and Sindhi are largely imports from the north-west.

The linguistic areas of India do not coincide with the political areas, the latter being the result of accident, administrative convenience and even whims of those responsible for carrying out administrative duties. For example, in the Madras presidency alone no less than four distinct languages, *viz.* Telugu, Tamil, Malayalam and Kanarese are spoken. Other provinces too have similar problems.

The Speakers of Important Languages according to the Census of 1931 (in thousands.) were :—

| | | | |
|---------------|--------|-----------|--------|
| Western Hindi | 71,547 | Kanarese | 11,206 |
| Bengali | 53,469 | Oriya | 8,994 |
| Telugu | 26,374 | Gujrati | 10,850 |
| Marathi | 20,890 | Burmese | 8,854 |
| Tamil | 20,412 | Malayalam | 9,138 |
| Punjabi | 15,830 | Lahnda | 8,566 |
| Rajasthani | 13,898 | | |

Of all the languages, Hindi which is a mixture of Sanskrit and Persian is by far the most popular language.

“The necessity of a common medium of conversation and intercourse which has given rise to bi-lingualism and the consequent displacement of tribal languages, has formed the subject of a considerable amount of discussion and suggestion during the last decade and a good deal has been written on the possibility of a *lingua franca* for India. The combined speakers of Eastern and Western Hindi considerably exceed in number the strength of any other individual language in India, and if we add to these two languages Bihari and Rajasthani which so resemble Hindi as to be frequently returned under that name in the census schedules, we get well over 100 millions of speakers of tongues which have some considerable affinities and cover a very large area of northern and central India. In their pure forms these four languages may be scientifically distinct ; but this is not the popular view. There is a common element in the main languages of northern and central India which renders their speakers, without any great conscious change in their speech, mutually intelligible to one another and this common basis already forms an approach to a *lingua franca* over a large part of India.”

Ever since the rise of the Nationalist Movement in India, the bitter controversy between Hindi and Urdu for becoming *lingua franca* of India is rapidly declining and Hindus and Muslims now generally agree that the one national language of the country must be *Hindustani*, which is a happy combination of Hindi and Urdu without preponderance of Sanskrit or Persian. In fact, Hindustani has now become so popular that it can be fairly well understood in almost every part of India, quite as much as French in Europe. The greatest national organization of India, namely, the Indian National Congress has now adopted Hindustani as the principal medium of its deliberations, though English is still used in its official papers as well as by non-Hindustani speaking delegates in their speeches.

Other Differences in India—Besides racial and linguistic differences which divide the Indian people into many groups, there are other factors too that make them a heterogeneous mass. They profess different religions, worshipping their own gods and deities. Their social customs too in the various provinces and states are not exactly similar. Economic conditions too differ though not very widely, for agriculture is the basic industry of the people. In the political structure of India we find considerable difference between British India and the Indian States on the one hand and the Indian States *inter se* on the other. Due to the varying geographical conditions they also differ in their dresses, food, and intellectual and physical development.

Fundamental Unity of India—Many European writers have indulged in calling India a continent made up of many smaller countries and on this account

they deny it one nationality. In support of their contention they specially emphasise the difference in languages, customs, religions of the people and even the physical features of the country. They assert that India cannot become one nation. A careful examination of their statement and the conditions in India prevailing at present in the light of her heritage, would show that fundamentally India is one country and one nation.

Let us examine the basis of the fundamental unity of India. Cut off from the rest of the world by high mountain ranges on one side and separated from the world on the other sides by the sea, India has developed in this isolation of hers a unique civilization of her own which can be easily distinguished not only from the civilization of other non-Asiatic countries but even from that of the other Asiatic countries lying on her borders. It is not at all difficult to distinguish between Indian culture and the culture of the rest of the world. True the frequent invasions of different tribes from the north-west brought Indians in contact with foreigners of various races and tribes. But it is a strange phenomenon of Indian history that never had the newcomers succeeded in wiping out the principles and practices of the original Indians, particularly those of the Aryans. Instead of assimilating in their own system whatever was Indian they allowed themselves, rather they were forced, to be absorbed in the specially all-absorbing Indian system. Even the Mussalmans who were the last invaders from the north-west had to adapt themselves to the new environments in which they were placed. No better example could be cited of this than

several hundred years of their living in this country there has been so much of co-operation between the Hindus and Mussalmans that it is easier to distinguish between the Indian Muslim and a non-Indian Muslim than between an Indian Muslim and an Indian Hindu. The Mussalmans of countries outside India had looked upon Indian Mussalmans as foreigners, whereas the Indian Mussalmans born and brought up in this country call her as much their Mother-land as the Hindus. The greatest credit for bringing about this sense of Indian nationality in the minds of the Mussalmans belongs to those far-sighted Muslim rulers of India who had wisely given up their non-Indian feelings and made this country their permanent home; most notable among them was Akbar the Great, who had showed great prudence in trying to wipe out all the differences between the Hindus and the Mussalmans and established an empire which was Indian in all respects.

Social and Political.—Ever since the Vedic age the rulers of India had looked upon this whole country as one unit. It is true that at different periods in Indian History there had been separate kingdoms in this land but there was no estrangement between them and even at times all these kingdoms owed allegiance to the supreme ruler whom they looked upon as their over-lord or *Chakravarti Raja*, though at the same time these kingdoms, small or large enjoyed very great local autonomy. Ancient history affords examples of various Rajas having successfully embarked upon extensive conquests for assuming the title of *Chakravarti Raja*, notable among them were Maharaja Dasharath, his son Ram Chandra, Yudhisthira, Ajatshatru, Vikramaditya,

Chandra Gupta, Asoka and Harsha. They did not even look upon the distant parts of their empire as foreign land. They treated it as their own land, thus giving political and imperial unity to the whole system. Dashratha once spoke of his empire in these words :—

*Mine are the tribes in eastern lands
And those who dwell on Sindh's sands,
Mine is Surashtra far away,
Survira's realm admits my sway ;
My hosts the Southern nations fear,
The Aryas and the Vangas hear,
And as Lord paramount I reign
O'er Magadha up the Matsya's plain,
Kausal and Kasi's wide domain
All Rich in treasures of the mine
In golden, corn, sheep, goats and kine.*

As late as the 3rd century B. C. Asoka attempted wide conquests and through his religious zeal and his paternal care of his subjects he gave to his extensive empire a unity which was at once unique and admirable. Harsha was the last Hindu Emperor who was able to keep the various parts of his empire in India knit together. After his death and probably due to the weakness of his successor the imperial system lost its strength and the local *rajas* assumed their independence. And during the turmoil of the 8th and 9th centuries Rajput families established their different kingdoms in northern India. They idolized chivalry which led to fierce wars even amongst themselves. They did not rise to the lofty conception of national unity and though for a time an attempt was made to establish a confederate state, particularly under Prithviraj, their

mutual jealousies did not allow the happy consummation of the ideal.

Later on, the Muslim conquest of India proved in the long run a unifying factor, particularly under Akbar and Aurangzeb, when almost the whole of India was under one political system. Who can dispute the fact that, other things apart, British rule in India has succeeded during these 150 years in unifying the country politically and economically and the present attempt to establish an All-India Federation is the happy ideal for realising one nation-hood of India under one political system ?

The social life of the whole country is one, their festivals are generally the same in all parts of the country ; the Hindus who form the bulk of the population have the same scriptures, and institutions and almost similar social customs. Coming to ancient culture which forms an important part of their human heritage, the Indian Muslims, at least 95% of whom are converts from the Hindu fold, too do not feel any estrangement particularly in the rural areas (and we have to attach the greater importance to what happens in the villages than to the events in the cities, for the real India is in our villages) where on occasions of festivals and other social gatherings Hindus and Musalmans rub shoulders together, feeling that they are all Indians.

Religious pilgrimages and the religious aspect of Hindu culture have been a potent factor in keeping the different parts of the country together. The Hindus, be they inhabitants of northern India or of the Deccan, look upon India's holy rivers as their own.

The inhabitants of Madras and Bengal go on pilgrimages to Mathura, Brindaban, Kashi and Badrinath. The people of northern India, similarly, go to Jagannath Puri, Dwarika and Rameshwaram. These pilgrimages too have helped India to retain her identity. The customs, manners, dresses and feelings of one province easily spread in other parts of the country, and inter-provincial travels create a wonderful bond of national unity. The various fairs held at sacred places are attended by visitors from all provinces. A visit to important holy places will show that rich and philanthropic persons of all provinces have constructed Dharmshalas, Maths, Gurdwaras, Ghats and Temples in distant parts of the country and thus given a practical proof of their patriotism:

Economic Unity.—Ever since days of old Indians have been attaching the greatest importance to spiritual advancement. Therefore, here in this country acquisition of wealth and material objects is considered inferior to realisation of God and worship of gods. Indians are so intensely religious that they look upon worldly progress as only a means and not the end of human life. Therefore, they are mostly agriculturists, and agriculture is the mainstay of Indian life. Even internal trade has been confined to agricultural products of those articles that are necessary for leading a simple life. Besides this the whole country has the same cycle of seasons and climatic influences. The cultivators, throughout the country, depend upon the one rainy season for the success of their labours. And the Himalayas give rain to Northern and Central India and the Vindhya and the Ghats to Southern India in

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one and the same season. The monsoons strike against the mountains and distribute their rich contents in the form of rains. So that from the economic point of view India is one country.

The Rise of Nationalism in Modern India.—In counteracting the evil effects of the apparent diversity in the various parts of India and to establish harmony the nationalist movement in modern India, particularly under the aegis of the Indian National Congress and other all-India political organisations like the Liberal Federation, has been a very successful factor. This has been followed by the organisations, economic, social communal and religious, on an All-India basis which hold their annual conferences in the various provinces and successfully remove all points of differences and create a powerful national sentiment, thus enabling the people of this country to call India their motherland, a sentiment whose value can never be overestimated. Thus India is one country, which has one system of civilization, one sentiment of nationality, community of economic, social and cultural interests and one political system, even though the people speak various languages and have a variety of customs, manners and dress, as these are mainly due to vastness of the country and her various physical features. This national unity has received a further impetus on account of the rapid rise of the conception of nationalism throughout the world.

CHAPTER II

SOCIAL LIFE IN INDIA

India is the most important representative of eastern culture. Her civilisation has a unique place in the world. This is seen in the social life of her peoples, the basic principles governing its structure being fundamentally different from those of other nations.

Distinguishing Features of Indian Social Life.

Broadly speaking, there are three distinguishing features of Indian social life. Firstly, it is mainly rural. Nearly ninety percent of the Indians live in about seven hundred thousand villages. This preponderance of the rural population is the direct result of agriculture being the chief occupation of the people. Ancient Hindu society was, from its very cultural and spiritualistic turn of mind, rooted to the land it cultivated. It was governed by patriarchal principles, and each family, when it grew in numbers, settled in a village of its own. Just as in the family, so in the village the eldest male was the recognised leader. This did not mean that the patriarch was in any way a self-willed leader. On the other hand, village life, surrounded by nature and depending upon free cooperation of the villagers, became intensely democratic in spirit. This democratic and rural feature of our life persists in all our institutions which guide our daily activities.

Secondly, our society is marked by the joint-family system. The obedience due to the eldest male in the family, or in the house, arose primarily out of his being the chief bread-winner and the owner and holder of property in his own name. The joint-family system is common to all the important communities in India, the Hindus, the Muslims, and the Sikhs. In no other country of the world is the system in vogue to such a great extent as it is in India. It is based upon the double conception of duty and rights. In fact, the family is the smallest social unit in which man realises his intrinsic social nature, observing its rules, fulfilling his obligations and enjoying his rights. Being based upon blood-relationship, joint-family system creates a natural bond of affinity between the various members that compose the family. It is here that the individual learns his first lessons in the art of a corporate life, obeying when it is his duty to do so and commanding when it falls to his lot to command. The joint-family system has, however, its merits as well as demerits. Its usefulness may be easily seen in the spirit of discipline it fosters among men and women by training them in the elementary lessons of obedience and interdependence. As there is a division of labour between the members of the family, each one understands his or her duties well. The bread-winner of the family—unfortunately in most cases one single individual—makes sacrifice of his own likes and personal interests in order to keep his dependants satisfied, and thus learns clarity and a spirit of self-denial which enables him to live in a simple manner and devote his energies to the service of his family members whose respect he undoubtedly

wins. In this way the joint-family is a State in miniature. Another advantage of the system is the guarantee it affords for a united life which does not run any risk of solitude or helplessness. On the other hand, the system has produced certain evils. The male members, even when they grow of age and are in a position to earn and thus not only to lessen the burden imposed upon a single bread-winner of the family but also to increase the amenities of life resulting from a better financial position of the family often times neglect their duty, remain idle and become almost like parasites living on the income of another. The expenses of the family increase but the income does not increase proportionately. This then leads to poverty which is undoubtedly the greatest curse of the country. The single bread-winner is forced to sacrifice his personal interests too much. He feels the burden of supporting his dependants too great and yet those who can share with him the responsibility do not come forward to help the family by engaging themselves in productive work. When, unfortunately the bread winner falls ill or is incapacitated, the family is practically driven to starvation and it takes quite a long time before it returns, if at all, to normal life, either on his recovery or on another man's coming forward to shoulder the responsibility which then falls to his lot and for which he had not trained himself in time. It is mainly due to the joint-family system that there is a lack of proper initiative among our youngmen who consider it as a matter of course that so long as the bread-winner of the house is alive, it is no concern of theirs to apply their energy to productive efforts. Many a happy family has thus been

ruined. What is really needed is that while the system may continue in a modified form, every male, and in many cases even female, who comes of age must come forward to share the responsibility of supporting the family, by engaging in productive work, each one according to his or her taste and capacity, so that all may live more happily than ever before. In this way the family can save something for the rainy day and to meet non-recurring or unforeseen expenses in connection with marriages, other religious and social ceremonies, and unfortunate illness in the family. In short, the old conservatism must yield place to the new requirements of society in the modern times. Such a change will certainly lead to greater prosperity of each individual member of the family and it will thus contribute to the cumulative welfare of the community and the country.

Thirdly, Indian social life is largely permeated with spiritualistic ideals. It is the result of early training of the children, the Hindus pinning their faith in the teachings of the *Gita* and the *Ramayan* the Muslims in the *Quran* and the Sikhs in the teachings of their *Gurus*. One marked feature of this tendency is that an Indian would be more inclined to adapt himself to adverse circumstances and feel contentment in them than to try to adopt better and other means of improving the material side of life, forgetting that spiritual or religious attainments do not mean subjecting oneself to adversity which can be removed. An average Indian will talk more philosophically than others, attributing his unhappy lot to divine will and similar imaginary and unknown reasons rather than to his lack of effort, for he believes that the end of his

life is communion with his Maker. He will tolerate misery and hardships inflicted by others, thinking that it was so willed by God. While spiritual life may be good, he does not realise that physical impoverishment and material degradation too constitute an impediment to a right way of living. It must, however, be observed that with the rapid growth of education and our contact with other countries this tendency is decreasing day by day.

Caste System in India.—No description of the social life of India is complete without a mention of the caste system. Indians are socially divided into castes or *Jatis*. The present system is, however, entirely different from the original one. In olden days among the Aryans, society was divided into four *varnas* according to the duties prescribed. The Brahmans were those who were entrusted with the chief duty of priestly and educational work. The Kshattriyas were the warrior and ruling community. The Vaishyas concerned themselves with agriculture, trade and other wealth producing pursuits. The Shudras were generally the non-Aryans who though quite large in numbers, were intellectually unfit for any of the above mentioned duties and were, therefore, engaged in serving the three other *varnas*. This classification of society was based upon the principle of division of labour, each person doing the work for which he or she was naturally equipped. The *varna* of a person was determined generally by his or her own capacity and capability, and transference from one *varna* to another was not unknown. This classification had resulted in specialisation, and therefore society lived happily.

In course of time the system became so hardened

and conservative that it degenerated into the caste system based solely upon birth and without any regard to one's fitness for work. As time went on, castes became further subdivided into sub-castes and so on, till each sub-caste was determined by the vocation it followed. For example, those who did the work of blacksmiths formed a distinct caste ; those who were engaged in wood-work became known as carpenters. These castes and sub-castes, now numbering hundreds, while maintaining the continuity of vocations, seriously affected the larger interests of society by denying to children born in one sub-caste the proper initiative and opportunities to follow other vocations than that of their own caste, for which they were naturally more fitted. Society thus disintegrated, and while each caste, through its own caste panchayat, maintained its purity and identity, jealousies between various castes and sub-castes led to serious dissensions and disabilities.

The Depressed Classes suffered the most in this process of disintegration. The sub-castes engaged in doing the meanest services to society, like skinning of dead animals, removing of nightsoil, and the like, were in course of time relegated to the lowest strata of society and came to be looked upon as untouchables. Though originally their untouchability was connected with the work they performed, later on it came to be associated with membership of their castes and communities. Consequently, these people remained unlooked after by the State, and illiteracy, poverty and economic dependence upon others led to their further deterioration both socially and economically. These unjustifiable disabilities of the so-called depressed

classes are partly religious, partly social, but mostly economic. With regard to religious disabilities, the most important are that though they are claimed by the Hindus as belonging to themselves, they are denied the right to enter the inner parts of temples and in certain places, particularly in South India, they are not allowed even to walk on the streets adjacent to the temples. Secondly, they are not allowed to send their children to the schools where the children of high caste Hindus study. In the towns and villages, they are usually segregated in particular places which are not so well looked after by the public bodies as the quarters inhabited by caste Hindus. They are not allowed the use of wells of the caste Hindus. From the economic point of view also the depressed classes are great sufferers. They are not admitted to public services in sufficient numbers, partly on account of their educational backwardness, and partly on account of the posts so far having been the monopoly of the higher castes. They are generally poor because they follow vocations which are the least remunerative and in which they have to depend upon the good will of their social superiors. Illiteracy and non-contact with higher strata of society have resulted in the members of the depressed classes contracting evil habits like drinking and carion eating, etc; they take loans from creditors who are in no way very friendly to them. Thus the exorbitant rates of interest they have to pay further increase their economic difficulties.

All this shows that though some of the disabilities of the so-called depressed classes are due to the social customs introduced by the high caste Hindus and some of the religious injunctions of the priestly

class, the others like uncleanliness, drinking and eating food which would not be even touched by the high caste Hindus, are of their own creation. It is, however, true that for some time past several social and quasi-religious bodies like the Aryasamaj, the Brahmsamaj, the Salvation Army, etc., are doing their best to ameliorate the condition of the depressed classes, without which, it has now been fully realised, the progress of the country, socially, economically and politically, cannot be effected, for these depressed classes number about 20 percent. of the total population or 30 percent. of the Hindus in India. Even the State had so far neglected the interests of these unfortunate people. And it was only when the Government took steps to recommend the granting of further political reforms that the problem of the depressed classes attracted their attention and evidence was produced before the Simon Commission to show that unless the depressed classes were given separate political representation and special safeguards in the constitution their lot would not be improved. But in this effort only the political aspect of the problem was emphasised, not the social and economic aspect which was the crux of the problem. The Simon Commission, however, admitted that "There is a slow but real improvement beginning in some areas. It is beyond doubt that there are those among the higher caste Hindus who have laboured zealously in the cause of the depressed classes, and not without effect; the missions have done splendid work in giving them a new dignity and a new hope; and we must mention with admiration the efforts which we saw being made by the Salvation Army for some of the most degraded"

The Indian National Congress also took up the amelioration of the depressed classes under the guidance of Mahatma Gandhi who named them *Harijans* (people of God) in order to remove the stigma of a bad nomenclature. Under his inspiration the movement has made rapid strides. More schools are being opened for their children. More scholarships for every stage of education are being offered to them by non-official bodies like the All India Harijan Sevak Sangh as well as by the Provincial Governments. Temples are being slowly thrown open to them and the use of all wells is being permitted. The Government of India Act, 1935, has given these classes (named in the Act as scheduled castes) separate fixed representation in all legislatures, though this separation is fraught with dangers, as it is likely to widen the gulf between the higher castes and the lower castes. What is really required to improve the condition of these classes is to give them greater opportunities for education of their children, appointment to public offices, and teaching them thrift and the advantages of living more cleanly and under better sanitary conditions. The Municipal Boards and District Boards as well as Town Committees can do a good deal to improve their condition. It is true that several boards have started schemes for providing these classes better quarters within municipal areas. But it must not also be forgotten that the problem requires to be taken up with greater enthusiasm and earnestness. The task of those who are keenly interested in the welfare of these classes is complicated by the fact that even among these castes and classes there is not much of common feeling for example, the sweepers are treated as untouchables by

other depressed classes. And even among the sweepers there are sub-castes and sub-communities which do not interdine or intermarry with each other. That is, the problem is not of a wide gulf merely between the higher castes and lower castes of the Hindus, but also that of the want of unity among the lower castes *inter se*.

As for the Muslims, it is no doubt true that socially speaking they are by themselves a more democratic community than the Hindus, but even among them there are castes like the Saiyeds, the Sheikhs, etc, besides their main division into Shias and Sunnis who neither intermarry nor interdine with each other. Their differences, however, are less acute than those among the Hindus.

The Sikhs are on the whole cosmopolitan as regards social relations. Still they too have their castes. It is only among the Parsis in India that the evil of social division and distinctions does not exist. It is largely due to their being educationally much more advanced than other communities.

With the spread of education and the consequent awakening in the country, and also due to western contact and influences, and the changes in mental outlook and mutual toleration, the evils of caste system in its present form among the Hindus have now been fully realised. The old conservatism is now fast disappearing, and social laws permitting interdining and inter-marriages between different castes and sub-castes are now slowly making their results felt. Several social movements have now been started to mitigate the evils of the system. And it may particularly be noted that so far as untouchability is concerned, there is a wide-spread feeling against it.

There are different opinions with regard to the question whether political reforms should and can precede social reforms or the *vice versa*. No doubt, it is true that our rulers, not being in close touch with our social life, can neither be expected to launch upon a wide scheme of social reforms nor can any steps taken by them be looked upon with favour by the people concerned. So that with the transference of political power to Indians, there will be greater confidence reposed in all social legislation made by the Government than at present. At the same time, it must be remembered that social reforms cannot be too rigidly enforced by legislation. They can be slowly but more effectively brought about by slow changes in the agelong customs. This is possible when education spreads widely and people themselves realise the need of a new social order for their own benefit. One example will make it clear. Suppose the Government passes laws for giving the so-called depressed classes fullest rights in the Hindu community. Will such legislation really bring about a change in the right direction? Can love be fostered among people by mandatory legislation? People will be led to hate each other so long as they do not realise that such relations ultimately lead to their mutual disadvantage. What we therefore, need is a change in the general outlook of people and this can be made slowly and with the spread of education which is the most effective means of eradicating social evils like untouchability, drinking and bad treatment of widows etc.

The position of Women in Indian Society—

All students of the ancient history of India know that during the Vedic age the position of women in

very early age forced to keep a house. The rapid rise in the population of the country accounted for increasing national poverty. For several centuries the system of early marriage vitiated the life of the community, among Hindus and Muslims alike. Recently, however, the evils of this pernicious system of early marriage have been lessened by a wider awakening in the country and also by the passing of the Sarda Act 1930 which has declared all marriages of girls and boys below 14 and 18 years respectively, penal. It was a long overdue reform because the Age of Consent Committee appointed by the Government of India in 1922 had reported that about half the girls in India were married before the fifteenth year, and that there were about 100,000 widows below the age of ten. If the Sarda Act is observed adequately, it is hoped that while the number of child widows will soon vanish, education of girls will also receive an impetus.

While discussing the question of marriage in India we must also take note of the fact that the law (Civil Marriage Act) allows marriage between a male and a female belonging to different communities and professing different religions, though it is in fact availed of by very few persons, one in several thousands. Recently the Indian Legislature has passed the Arya Marriage Act which permits marriage between persons belonging to different castes of the Hindus, provided at the time of marriage the two parties declare themselves to be Aryaismajists. These various marriage reforms will in course of time make domestic life happy, mitigate the woes of child widows, and remove the evils of early marriage.

One of the evil effects of early marriage has been the increasing number of child widows in India. There are many examples of girls becoming widows even below the age of 5, and when it is remembered that orthodox Hinduism does not permit remarriage of widows and that the society looks upon widows as out-castes and abominable creatures, the social reform started by the Aryasamaj for permitting remarriage of child widows and now also taken up by advanced non-Aryasamajist Hindus, has gone a great way in bringing about better conditions of life for the widows. Besides, there have been started widow homes for the rescue and proper education of widows.

The problem of widows is of special significance to the Hindus, as the Hindu Law does not recognise property rights of the females, nor does it permit divorce in the case of a couple which does not live happily. Among the Muslims there is restricted divorce or *talaq* but among the Hindus it is strictly prohibited. Recently there was some talk of changing the Hindu law to permit divorce but the Hindu women themselves opposed the movement, for they look upon marriage as a very sacred and lifelong bond of union between the husband and the wife.

Another evil in our society which has attracted the attention of social reformers is *Purdah System*. It is largely prevalent among the Muslims, and to a great extent among the Hindus, other communities being free from it. The system resulted, for quite a long time, in the seclusion of the women who, therefore, remained illiterate and ignorant of all the social amenities. The system differs both in degree and extent in different

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parts of India. It prevails more extensively in Northern India and Rajputana than in Southern India. The evil results of the system are many. There are numberless cases of tuberculosis, stunted growth and other diseases both among the women observing it and in their children. This serious impediment to the healthy growth of a stout generation has now been fully realised and it may be safely said that within a few years the system would either vanish or become confined to a very small percentage of the population.

Women in India generally do not like to enter public services, unlike their sisters in Europe and America. For this reason higher education does not find much favour with them. But we may now notice an increasing tendency to give higher education to girls. The women's movement in India, with its All India Organisation and provincial and local, branches, is a step in the right direction. Because of its efforts, the Indian woman is coming out of her seclusion and demanding for herself a fit and proper place in society. As a result of this general awakening among Indian women the Government has granted them special representation in all legislatures and public bodies, though their division into communal groups has been opposed by women. The presence of women in such bodies undoubtedly exercises a steady and sobering influence as they are on the whole more generous and sympathetic and less prone to bitterness.

Other Features of Indian Social Life.—There are several other features peculiar to social life in India. Each community celebrates quite a large

number of festivals, some religious and others purely social and connected with important events. Some of these festivals like *holi*, *dashehra*, *diwali*, and *basant* are closely related to seasonal changes in India. On these occasions, particularly on Dashehra or Holi and Diwali, the Hindus of all castes enjoy life in the most joyful manner. Similarly there are several Muslim festivals which the Muslims celebrate with great rejoicings. It is, however, an unfortunate aspect of our social life that people belonging to different communities do not mix very freely with each other on occasions of religious festivals. Still more unfortunate is the outbreak of communal riots due to incorrect appreciation of each other's rights and feelings. But with the rise of nationalism and the growth of education, and specially on account of the awakening among the youths of the country, the spirit of toleration is on the increase and we are well on the road to a common Indian feeling.

Due to the largeness of the country, there are great differences in the dress and food of the people in the various provinces, apart from the linguistic and economic differences. A traveller starting from the Punjab and journeying eastward through the United Provinces, Bihar, Bengal, and Assam, and then turning towards Orissa, Madras, Hyderabad, Bombay, Central Provinces, Rajputana, Sindh and North-West Frontier Province, will observe different kinds of dresses worn both by men and women. He will taste different dishes, vegetarian and non-vegetarian. Yet with all these outward diversities, he will not fail to see that the

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fundamental features of social life and customs are the same. And this social unity is at once the pride and rich possession of the Indians, particularly of the rising generation.

Questions.

1. Describe the distinguishing features of Indian social life.
2. Write an essay on caste system in India.
3. What steps do you suggest to remove some of the evils present in Indian social life ?
4. What is the problem of the depressed classes ? How can it be solved ?
5. What position do women occupy in Indian society ?

CHAPTER III

RELIGIONS IN INDIA

Religious Aspect of Indian Life.—There is no other aspect of Indian life so well emphasized as the religious aspect. The basis of human life as understood in the real Indian sense is intensely religious. No human action is, therefore, considered in India as merely secular. Religious sanction is always sought before an act is either permitted or considered proper to do. Religion has thus come to be looked upon in India as the one foundation of human life which can be made happy here and hereafter only when lived strictly in accordance with the tenets of religion. That is why India may well be spoken of as the land or cradle of world's great religions. Whether one approves of it or not, religion has acquired the greatest hold on the Indian mind. Even in politics, according to the orthodox Hindu conception, as also according to Islam, religion is the bed-rock of life. This feature of life may be seen in every epoch of Indian history. It has served, often times, useful purpose, while on certain occasions it has also led to serious quarrels within the country. Efforts have sometimes been made to separate religion from secular life, but these have generally met with little success. It is true that over-emphasis on religion has sometimes done harm to civic life in

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India, yet insistence on religion has prevented the growth of social evils and has kept people often disciplined and tied to certain principles. Education, works of general welfare and public utility, charitable institutions, social welfare activities, etc., have generally been the product of religious missions in the country. An important example may be cited of the Mauryan Emperor Asoka whose piety and religious zeal gave India the benefit which she would not have achieved otherwise.

Such an attitude, *i. e.*, insistence on religion, of the Indian mind is responsible for the growth of many sects and sub-sects with their own founders, principles and institutions. Hinduism has during all these several thousand years passed through different phases, bearing the marks of different epochs. And side by side with it has spread during the last thousand years, Islam which, mainly oriental in its outlook of life, has a more cosmopolitan or democratic character than any other religion which has come to India from outside her borders. Both these religions have so influenced Indian life as to produce other sects and religions embodying some of the principles of Hinduism and Islam. India has thus become the cradle of many a religion which permeates every action of an Indian's life.

We shall now take up in some detail each important religion of India.

The Vedic Religion.—There is no gainsaying the fact that Vedic religion is the oldest of all the religions in the world. Though there have been several conflicting opinions about the age of this religion, all are agreed that it is the oldest known religion which man had evolved. The chief sacred books of this religion are the four Vedas, *viz.*, *Rigveda*, *Yajurveda*, *Samveda*, and *Atharvaveda*. The ancient Aryans who followed the Vedic religion considered the Vedas as the revelation of God. At the present time too the Hindus, like their ancestors, believe that the Vedas are the store of divine knowledge. According to them, God revealed true knowledge, in the beginning of the creation, to the four purest souls of Rishis, *viz.*, *Agni*, *Vayu*, *Aditya* and *Angirah*. The Rigveda has, unanimously, been considered the oldest compiled book in the world.

Though the chief contents of the Vedas are prayer, worship of God and performance of *Yajnas*, they also contain a beautiful account of all aspects of human life, including the science of government. Mention is made of precious metals, the acquisition of wealth, social duties, and the place of woman in society.

According to the Vedic religion, God, soul and matter (*prakriti*) are eternal, that is to say, they were never created and would never be destroyed. In short, they have ever existed and would for ever exist. God is the creator and protector of the Universe. The soul enters innumerable bodily forms in order to get the result of its action, and through *prakriti* it enjoys happiness here and tries to get happiness here-after.

The object of human life is to act in such a way as to achieve salvation (*Moksha*), i.e., freedom from birth and re-birth, it being supposed that birth and life contain troubles whereas true bliss lies in communion with God and absolute freedom from the shackles of life. Such *Moksha*, according to Vedic religion, can be obtained by right living, right thinking and right action. Spiritual life is the main object while material side of life occupies a secondary place. God must be worshipped for He alone is the true giver of bliss. To a casual observer it might appear that Hindus worship various gods, but the truth is that Hinduism (i.e. pure Vedicism) is monotheistic in its conception. God manifests Himself in various ways, e. g., through fire, sun, moon, air, electricity, etc. These are only so many manifestations of Him and not different gods. The Rigveda says: "Love and worship that Supreme, spirit O ! men, who is the support of all the luminous bodies (such as the sun), the one Incomparable Lord of the present as well as the future worlds, who existed even before the world came into being, and has created all things that exist in space between the earth and the heaven".

In the Vedic age, society was divided into four classes or *varnas*, these divisions being considered natural according to the aptitudes of individuals, as well as necessary from the economic point of view. There was thus made a natural economic division of society into four main classes *not castes*. Those who had special aptitude for learning were entrusted with the six-fold duties of giving and receiving education, accepting and bestowing charity, and performing and getting

performed *Yajna*. They were called the *Brahmans*. The *Brahmans* were the preceptors and *purohitis* or priests of the other *Varnas*. The second *varna* was of the *Kshatriyas*. The chief duty of the *Kshatriyas* was to protect society and the country. They were very brave and war-like people. The third *varna* was of the *Vaishyas*. The chief functions of the *Vaishyas* were to cultivate the land, do all trade and earn money in other ways. The last *varna* was of the *Shudras*. The *Shudras* served the people of the other *varnas*. With the lapse of time these four *varnas* became divided into the present forms of castes and sub-castes.

The Aryans divided a man's life into four stages (*Ashrams*), just as they divided society into four *varnas*. They believed that by leading life according to the Vedic instructions a man could continue to live up to one hundred years. For the first twenty-five of these hundred years, according to the Aryans, a man has to observe celibacy and devote himself entirely to acquisition of learning. This is termed *Brahmacharya Ashram*. From the twenty-sixth up to the fiftieth year, is the *Grihastha Ashram*, during which he lives a married life and produces children. In the next twenty-five years, from the fifty-first up to the seventy-fifth year, he entrusts the domestic duties to his children, travels all over the land and tries to be indifferent towards material of worldly pleasures. From the seventy-sixth up to the hundredth year, he parts company with his wife, seeks a solitary life and devotes his remaining days to meditation and prayers, teaching religion to those who seek it.

In Vedic religion, wife is considered the half-self (*ardhangini*) of her husband. This means that

many lawgivers that flourished in ancient India at different periods—the *Manusmriti* which is the work of Manu, the great Hindu lawgiver, is the most important. It deals with every aspect of life and discusses the rules of conduct in society, including the system of government and the relations between the rulers and the subjects.

In the Vedic age, the Aryans had a complete system of government. No doubt, the commonly prevailing system of government was benevolent monarchy based upon the will of the people, still there were many republics with all the constituents of a democratic state. A complete account of the Vedic system of government may be studied from the *Manusmriti*, the *Mahabharat* and some of the *Upanishads*. In the administration of the country, from the village right up to the country, the Aryans always elected the most pious and learned man amongst them as their head or overlord whose commands and instructions they willingly obeyed. But if the ruler himself broke any law, he was punished like others, even removed from office if this was found necessary. In monarchic states, the king was advised by a set of wise and popular ministers. All state officials had to respect and obey the law which alone was considered to be the real king. The higher the official the heavier the punishment inflicted on him for breaking the law, such was their notion of the majesty of law. The chief duty of the *Rajan*, or the ruler, was to look after the welfare of his people and to work for their happiness and prosperity. Education was free, and given to all. The king employed secret servants to find out the troubles of the people. He

did all in his power to remove their grievances. Taxes were light, and were generally paid in kind. Justice was administered most rigorously.

Thus Vedic religion embraced every phase of human life.

Buddhism and Jainism. During the fifth century before the Christian era, old Vedicism suffered in its hold on the people's mind, and two new religions—in fact off-shoots from the parental Vedic religion—came into existence. This time the Kshatriya dynasty produced the founders of two religious schools, both in Behar. These two religions were Jainism and Buddhism.

Jainism. In the house of a rich *Kshatriya* of Vaisali, to the north of Patliputra (modern Patna) was born a child, named Vardhman. Though the child Vardhman had natural aversion to worldly pleasures, and was fond of meeting saints, he spent the first thirty years of his life like the son of any rich Kshatriya in leading a luxurious life. He had married, and also got a daughter. The death of his father brought about revolution in his mind. All of a sudden he threw off his rich garments, tore his hair and left his home in search of true salvation. He became averse to all worldly pleasures, and no sorrow could move him. For full twelve years he roamed about in search of true knowledge. One day while he was in a squatting position, and absorbed in deep meditation, revelation came to him and he obtained *nirvan* and assumed the name Mahabir. After gaining complete control over his body and senses, he began preaching the new faith, viz., a rigid discipline of mind and body, worship of no object, or god, completest form of *ahimsa* or abstinence from violence. This new faith, Jainism, believed in

dedicated to the spreading of religion far and wide. Buddhism laid stress on noble deeds, and did not recognise Brahmanical supremacy. It did not allow worship of any deity, though after Buddha's death his followers began to worship him as such. Buddha's main teachings are based upon Upanishads and his faith is only an off-shoot of Vedicism. After the death of Buddha his followers split into two branches, the *Hinayans* who stuck to his teachings and looked upon him only as a teacher who showed them the way to real salvation, and the *Mahayans* who began to look upon him as God who was sinless, eternal and the saviour of all. The *Mahayans* idolize Buddha and now worship him. Several rulers of India, the most important of them being Asoka, took up the task of spreading the teachings of Buddha far and wide, even outside India. Asoka sent even his son and daughter as preachers. Mainly due to these royal efforts Buddhism spread in Ceylon, Siam, China and Japan, though the faith declined in the land of its birth. This decline was largely due to relaxation of the monastic discipline and the rise of the *puranic* faith.

Both Jainism and Buddhism were off-shoots of the Hindu religion and there was not much distinction between the two. Both were founded by Kshatriyas and sponsored by rulers. Like Buddhism, Jainism also was split into two sects, the *Digambaras* and the *Svetam-*

Buddhism is practically non-existent in India, though recently some efforts have been made to revive it, particularly by demanding restoration of the Buddh Gaya temple to the Buddhists and revival of the Sarnath Temple. The greatest service which Buddhism performed is the bringing nearer together of several Asiatic countries like China, India, Japan and Siam.

Puranic Hinduism.—The *Bhagvadgita*, containing the teachings of Shri Krishna to Arjun, infused a new spirit among the Hindus, but the rise of Buddhism and Jainism kept the *Gita* in the background for some centuries. As neither Jainism nor Buddhism had any faith in the existence of God as the creator, sustainer and protector of the universe, their teachings did not appeal to a vast multitude of the Hindus. Therefore, from the time of Harsha onward, these religions declined and Brahmanism or *puranic* Hindu religion began to spread. The Brahmins had for long been considered the religious leaders and heads of the Hindus, therefore they opposed Buddhism and Jainism, and at the same time wisely introduced certain modifications in their religion to make it more acceptable to the people. On the other hand, the Buddhist Bhikshukas began to lead a corrupt life. People forgot the cardinal principles of Buddhism and became irreligious. The foreign invaders also, chief of them the Muslims, opposed Buddhism and Jainism. For these reasons the preachers of *puranic* Hindu Dharma succeeded in preaching their religion.

The new Hindu religion came to be known as *puranic* Hindu Dharma, for although in several essentials it agreed with the ancient Vedic religion,

it contained some new beliefs which were taken from the puranas. There are eighteen principal *puranas* of which *Shivapurana*, *Lingapurana*, *Vishnupurana*, *Barahapurana*, *Koormapurana*, *Matsyapurana*, and *Bhagvatpurana*, are more important. They teach the worship of Shiva, Vishnu, etc. The chief principles of *puranic* Hinduism support the worship of the incarnations (*Avatars*) of God. This religion was at its height during the seventh, eighth and ninth centuries. Its preachers were very learned men, hence Buddhism and Jainism could not stand their logic.

Kumarilbhatta was the first to oppose Buddhism and preach Puranic Dharma. At that time the Rajputs were rising into power in India, and they were admirers of Brahmins. Therefore, Kumarilbhatta confined his teachings not only to Behar, the land of his birth, but travelled throughout India to preach his religion. He preached the Vedantic system of philosophy. He was followed by Shankaracharya who preached the existence of God and the principle of *Advait-vada*. He supported the worship of Shiva; people were impressed with his learning and therefore accepted his views. Consequently, *Shiva* religion spread throughout the country, and *Shiva* monasteries were built. Of the latter the *Shringeri* monastery of Mysore is the most renowned. Shankaracharya died at Kedarnath, a sacred Hindu place, while he was only thirtytwo. Even then in that young age he gained considerable success. He translated the *Vedas*, and his commentaries are still looked upon as authoritative.

After the death of Shankaracharya, Ramanujacharya and Madhavacharya preached their beliefs in Southern India in the twelfth century. They opposed Shankar's

Advaita philosophy and supported *Vaishnava* religion. In the thirteenth century, Ramanand, a follower of Ramanuja, emphasised the worship of Rama, and further spread *Vaishnavism*. He did not accept caste as a barrier to his principles. The followers of Ramanand Consider *Bhaktamala* as their religious book.

His chief disciple was Mahatma Kabirdas who was born in the fifteenth century. Kabir was a weaver by caste, but his love of religion brought him the distinction of being called a *Mahatma*. At that time Islam was being preached in India. Kabir, refusing to recognise the distinction between *Allah* and *Ishaur*, preached the worship of one God, whom he considered all powerful and omnipotent. He, therefore, opposed idol-worship. Kabir's teachings are full of *bhakti* (devotion). He did not consider caste as any hindrance in attaining salvation, and in this way he tried for the uplift of the lower castes among the Hindus. Kabirdas is considered one of the best poets. His famous *Sakhis*, full of intense devotion, are very appealing to the devotees of God. Both Hindus and Muslims became followers of Kabir. According to him renouncing the world is not necessary for attainment of salvation.

Then followed Vallabhacharya who preached his own cult, the *Vallabh* cult. According to him Krishna was the incarnation of *Vishnu*. The Vallabhas may now generally be seen in Bombay, Gujarat and Rajputana. About the same time Chaitanya Swami preached in Bengal extreme devotion of Krishna. His disciples built many temples in Brindaban where idols of *Vishnu* were set up. In the sixteenth century,

Prophet in any right thing. He built mosques for offering prayer. His teachings are contained in the Holy Quran. Some of the important teachings of Islam are: There is only one God and Mohammad is his Prophet; prayers to Allah should be performed five times daily, every Muslim must fast during the month of Ramzan; alms should be given to the poor. Islam emphasises direct approach to God, and not through priests. It does not believe in idolatry. It is extremely democratic and recognises the equality of all believers, high or low, Mohammad made his teachings available to all, without any distinction. Thus he founded a social organization in which all are treated alike. It was for this reason that his faith became very popular. Mohammad required his followers to preach the new religion far and wide. Consequently, ardent followers took up the instructions and by establishing their own rule spread Islamic faith as far to the West as Spain, through state agency. The tolerant spirit of Mohammad who believed that a perfect Muslim is one who neither from tongue nor from hands tortures mankind, who believes in one God and loves his neighbours, and who is merciful to all mankind, appealed to the instincts of the simple minded people. Mohammad died in 632 A. D. After his death Muslim Khalifas carried on proselytising activities with great vigour and for quite a long time Islam became a power in the western world. By and by the Muslims extended their rule upto and including Afghanistan. With the lapse of time two important sects arose among the Muslims, viz., Shias and Sunnis. The Shias reject the first three Imams—Adu Bakar, Umar and Usman, and consider Hussain and Hassan as Imams or religious

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Mahatma Tulsidas taught that Rama was the incarnation of God ; he supported the *Vaishnava* cult.

In this age India witnessed many far-reaching changes. In the religious field, the number of the worshippers of Shiva and Vishnu largely increased. Temples were built throughout India. Many of the oldest and most famous temples of that period may still be seen in southern India.

Islam in India—Islam in India is an imported faith. Its founder was Mohammad whom the Muslims consider as the prophet of God. Mohammad was born in Arabia, in the city of Mecca, in 570 A. D. At that time animism and idolatry prevailed in Arabia. Mohammad, who had inborn qualities of unusual intelligence and search for truth, was dissatisfied with the existing system. He married at the age of 25 with an elderly woman, Khadija, who was 40 years old. This marriage proved a happy one. But the warring nature of the Arabian tribes soon impressed Mohammad who resolved to establish order. He came in contact with the Jews and the Christians to learn new ideas about God and society. At the age of forty, as a result of his frequent meditations, he began preaching his faith, Islam which means submission to *Allah* (God). Hence his followers were called Muslims. In the beginning, the people of Mecca opposed Mohammad and he had to flee for his life to Medina in the year 622 A. D., which event is called *Hijrat* from which the Muslim year begins. In Medina, Mohammad met with considerable success, and a large number of followers joined him. He called upon them to take a six-fold vow, viz., to worship only one God, not to steal, not to commit adultery, not to commit infanticide, not to slander, and not to disobey the

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teachers. They celebrate Moharram in memory of their martyrdom, with processions of *Tazias*. The Sunnis, on the other hand, are more numerous and traditionalists and take the words of *Rasul* as important and binding as the Holy Quran. Besides these two sects, there are some minor ones like Sufis, Molas and Bohras among the Muslims. Turkey is the main centre of Sunnis, while the Shias from the bulk of the population in Persia and Afghanistan. In India, both Shias and Sunnis are found, the latter in larger numbers.

Islam spread in India only after the seventh century. At that time (712 A. D.) the ruler of Sindh was a weak man. Seeing this the right opportunity the neighbouring Muslims of Afghanistan invaded Sindh, under Mohammad Qasim, conquered it and established their rule. For quite a long time thereafter, the Muslim conquest of Sindh left other parts of India unaffected. It was then in the tenth century that Muslim rule in Afghanistan became a real power to count. Subaktgin, who had been conferred upon the title of Nasiruddin by the Khalifa, invaded the Punjab with the object of extending his dominion. Since then several Muslim invasions of India took place under Ghori and Ghazni, some with the object of plundering India's fabulous wealth and others with the intention of spreading the Muslim faith. It was, however, only in the year 1106 that the first Muslim rule in India was permanently established in the Punjab and round about Delhi. Since then and till the downfall of the Moghal Empire, Muslim rule went on increasing, and along with it millions of Hindus became converts to Islam. The Muslim rulers and learned men made very valuable

contributions to India, both politically and culturally. Today the Muslim in India number about 90 millions or over twenty percent of the total population of the country. They form the majority of the population in the North-West Frontier Province, Baluchistan, the Punjab and Bengal while in other parts of the country they are in a minority. The Indian Muslims, though still looking upon Mecca and Medina as their holy places, are now rooted to the soil of India which they rightly consider as their Motherland worthy of adoration and service.

Sikhism—Guru Nanak was the founder of Sikhism. He was born at Talvandi, a village near Lahore, in 1469. His parents were ordinary villagers of the Kshatriya caste. At the age of seven Nanak began his education and gradually learnt Sanskrit, Hindi and Persian. Since his very childhood he showed signs of uncommon intellect and purity of heart. He composed poems and expressed his general ideas through verses. At the age of eighteen he was married to Sulakshani Devi from whom he had two sons. He did not like family life and would often seek the company of saints and *fakirs*. It was a time when there was little peace among people. So, one day, he left his home and after collecting the good points of both Hinduism and Islam he began preaching the new doctrines. Several times he travelled through the country visiting Hardwar, Kashi, Puri and Southern India, and once even Ceylon. Then he started on foreign journey and travelled through Baghdad, Mecca and other important Muslim towns. There too people were impressed by his teachings. He died at the age of seventy,

Both Hindus and Muslims became converts to Sikhism and they claimed Nanak as their saviour,

so much so that when he died, both wanted to burn or bury him according to their belief. But it is said that when the coffin was uncovered his body had disappeared and only flowers were left behind.

The chief principles of Sikkhism are that there is only one God who is the creator of all. There is no high or low among human beings, and no such thing as caste. Purity of heart must be our object and pilgrimage to the so-called holy places is mere hypocrisy, Saints of all faiths must be loved and respected. The teachings of Sikkhism are contained in the *Adigranth*, the holy book of the Sikhs, compiled by the fifth Guru, Arjun, and containing Guru Nanak's teachings in 29,480 verses. They emphasise the immortality, omnipotence and all powerfulness of God who is the father of all. Their God is designated *Sri Satnam* often repeated in devotion by the Sikhs. Guru Nanak was succeeded by 10 Gurus of whom Guru Govind-Singh is famous for having organised the Sikhs into a military class to withstand the persecution of the Moghals. Since then the Sikhs became a most wonderfully organised community united together by strong ties of faith and service. Sikkhism is very democratic and tolerant. Amritsar is the chief centre of Sikkhism where the golden shrine is situated.

The Sikhs reached the zenith of their military and political power under Ranjit Singh who established his sway over the Punjab and compelled the British to recognise his rule. After his death, his sons proved incapable. But at the present time the Pukhian states, Nabha, Patiala and Kapurthala are ruled over by Sikh Princes. The Sikhs contribute a very valuable and

strong part of the Indian army. They have proved their bravery during the Great War as well as recently in Addis Ababa in protecting those who took shelter in the British embassy from the Indian invasion. The bravery of the Sikhs who, though they number only about 44 lakhs inhabiting some of the districts in the Punjab, is at once the pride and glory of the whole of India. They are a very enterprising people and freely go to other parts of the world to earn their livelihood. Essentially they are only a sect of the Hindus and their faith represents a revolt from some of the doctrine of orthodox Hinduism.

Other Minor Religions—Besides the principal religions of India described above, there are followers of other religions too in this country, but their numbers are small. Christianity which accepts Jesus as God's own son is followed by 62, 97, 700 persons according to the census of 1931. They are spread over various provinces but the largest number is found in Southern India, particularly in the Madras Presidency and the States of Cochin and Travancore. The Christians believe in proselytising and are opposed to division of society into castes or classes. They do not believe in idolworship or transmigration of the soul. Its founder Christ was born in a carpenter's house, his mother being Mary and father Joseph. He revolted against the prevailing faith and was thus declared a heretic. His teachings provoked great opposition by the Romans who crucified him because he considered himself the son of God. Christ's teachings emphasised purity of character, mercy and truthfulness.

Another religion is Zoroastrianism founded by Zoroaster in Persia about eight hundred years before

Christ. It is followed by the Parsis in India who according to the census of 1931 number 109, 732 and live mostly in the Bombay Presidency. Zoroaster too showed unusual signs of religiousness and devotion since his childhood. He was very kind and helpful to the needy. At the age of twenty he left his home and ten years later, responding to the call of Ahura Mazda to get purified and work as a prophet, he began to preach a universal religion. At the age of 42, he succeeded in converting the King of Persia, Vistaspa, and some of his relatives and officials to his faith.

The King made Zoroastrianism state religion. The sacred book of this religion is Avesta, and Ahura Mazda is the chief deity who is "creator, radiant, glorious, greatest and best, the most beautiful, most firm, wisest, most perfect, the most bounteous spirit". This religion condemns the impurity of the world against which it carries on a continual fight. The Zoroastrians worship the sun, moon, stars, wind and waters but more particularly they worship fire which is considered to be the symbol of their deity. The Indian Parsis are mostly businessmen, but they have produced pioneers in several fields in this country.

Recent Religious Movements.—During the last century or so India has witnessed several religious movements which have introduced changes and reforms of a far reaching character, both in the religious and social field.

One of these is the Brahma Samaj started by Raja Ram Mohan Roy (1772-1833) who has been rightly acclaimed as the father of Indian Renaissance. It was almost in the beginning of British rule in India that the

Raja attained manhood and he was very much impressed by western culture and civilisation. Yet while accepting the adoption of all that was good in them, he foresaw great danger to his country in the missionary propaganda which the Christians were carrying on, and he resolved to start a reform movement to purify Hinduism of the existing evils and make it strong enough to withstand Christian attacks. He began with an attack on idolatry and human sacrifices. He supported the unity of God, which made him very popular and he established the Brahma Samaj combining in its teachings the Muslim monotheism, Biblical ethics and *Upani*-shadic philosophy. Soon the best intellect of Bengal was attracted towards the Brahmasamaj. He vigorously opposed the evil system of *sati* even at the cost of incurring great displeasure of the orthodox Hindus. He advocated Hindu widow remarriage, and denounced polygamy, caste system and the ban on Hindus to cross the sea. He laid the foundations of the present system of western education in India.

After the death of Raja Ram Mohan Roy, the Samaj split up into two branches led respectively by Maharshi Devendra Nath Tagore and Keshav Chandra Sen. The former was a conservative, and the latter a radical influenced very much by Christian teaching. Keshav Chandra Sen visited Bombay where the Prarthana Samaj was established with Mahadeo Govind Ranade as its leader. He also went to Madras where the Veda Samaj was founded. The chief activities of the Brahma Samaj are now restricted more or less to Bengal where it counts, about six thousand followers. It opposes idolatry, polytheism, *sati* and caste system. It has thus brought about several social reforms in Hinduism of which it is merely an offshoot.

Swami Dayanand Saraswati (1824-1883) founded the Arya Samaj which is a great reform movement among the Hindus. Born of an orthodox Brahman family of Kathiawar, Mool Shanker (original name of Swami Dayanand) used to be a *Shasva* like his father. But, on a *Shiva Ratri* day, a serious doubt arose in his mind regarding the power of the *Shiva* (in the image form) if the God really possessed any power. Later, the deaths of his uncle and sister moved him so deeply that he left his home secretly in search of means to free himself from the bondage of life and death. After wandering for a number of years he took *sanyas* and the name of Dayanand Saraswati. He mastered the Sanskrit language, all the four Vedas, Upnishads and Shastras and started preaching the principles of a new faith. Dayanand, as he himself said, did not attempt to start a new religion, but wanted to purify the prevailing Hinduism by purging it of the many social and quasi-religious evils which had crept into it on account of the selfishness and short-sightedness of the Brahmins who had denied education to Shudras and the women-folk. He preached the divine character of the Vedas which he considered as the store of true knowledge. He opposed idol-worship, incarnation of God and the then existing caste system. He tried to revive the old *varna* system, and a study of the Sanskrit language and the Vedas. He worked for the uplift of the depressed classes among the Hindus and strongly advocated conversion of non-Hindus to Hinduism. He advocated widow remarriage under certain circumstances and appealed for the protection of widows and orphans. The first Arya Samaj was established at Bombay in 1873.

Thereafter, his followers started Samajas in other towns, particularly in Northern India. Dayanand died in 1883 at the age of 59, as a result of poisoning administered to him by a cook at the instigation of a prostitute. Dayanand left his mark on his posterity as a great Sanskrit scholar, social and religious reformer and an ardent patriot. His political views may be judged from what he said about the system of government. His patriotism is clear from one of his remarks: "Say what you will, the indigenous native rule is by far the best. A foreign government perfectly free from religious prejudices, impartial towards all—the natives and the foreigners—kind, beneficent and just to the natives like their parents though it may be, can never render the people perfectly happy". He advocated the use of Swadeshi articles and longed for the material as well as spiritual progress of his countrymen.

After the death of Swami Dayanand the Arya Samaj continued his work. What it has been able to achieve may be seen from the large number of educational institutions, widow homes, orphanages and several institutions which are doing immense social service.

Almost about the time Swami Dayanand started his mission, another quasi-religious movement began in India. It was the Theosophical Society, an import from outside. A Branch of the Theosophical Society was for the first time opened in India in the year 1896 at Adyar, Madras. The Indian Branch of the Theosophical Society, led by Mrs. Annie Besant, an Irish lady, became only a reformed offshoot of Hinduism. Mrs. Besant advocated the study of the Bhagwadgita. She adopted Hindu dress, food and many other customs.

She gave a great impetus to education (western education with Indian background) by starting the Hindu College at Benares, which later on developed into the famous Benares Hindu University. In the early years Theosophists and Dayanand tried to work hand in hand; but later the Swami saw danger to Hinduism in the teachings of the Society, and the two movements separated once for all. Theosophy is a very cosmopolitan movement which includes in its fold followers of several religions. It is tolerant, believes in the transmigration of the soul and the coming of a Messiah to remove the sufferings of society. After the death of Mrs. Besant, Dr. G. S. Arundale became the president of the Indian Theosophical Society.

Religion versus Nationalism.—In such a vast country as India, inhabited by over 380 millions, professing various faiths, the need of social and political harmony can hardly be over-emphasised. There was an age, long ago, in the world when human beings formed themselves into groups on the basis of identity of religious views. They had their rulers whose duty, among others, was also to protect religion. The states were essentially theocratic. Any expression of opinion differing from the existing faith was severely punished. It was one such example of persecution that Galileo was thrown into prison. The pages of the old history of all countries, in Europe and Asia, are full of hundreds of such examples of religious bigotry and persecution. Freedom of thought and expression of opinion was not permitted.

Matters have now completely changed. With the spread of education and the rapid advancement

in science man has realised the supreme necessity of cooperative life and peace in the world. Religion has been assigned its right place, *viz.*, a matter essentially between an individual and God. If persons holding similar views on religion form one group by themselves, they have to permit similar freedom to others. Modern states are territorial and national. They have no religion of their own. They allow freedom of profession of any religion to their nationals. People have realised that the object of religion being to show the path to better life, spiritual advancement and more particularly service of mankind, it matters little what form of worship is adopted for praying to the same God in Whose eyes all humanity is one. The aim of life being peace and happiness in the world and peace and happiness hereafter, it is just possible that various groups might choose different paths for the achievement of the same goal. Every religion teaches service of man, mercy, honesty and truthfulness. It promises a moral and spiritual life to man as a member of human society. Thus religion takes into account the whole world in which each individual has his place.

Unfortunately, in India there has, of late, been a tendency to misunderstand and mis-apply the teachings of religion. In the name of religion people professing different faiths begin to quarrel over the form of worship or such trifling things as music before mosque or blowing of conch, etc. They little realise that by such quarrels neither the *Allah* of the Muslims nor the *Ishwar* of the Hindus—and both mean the same Supreme Being—is pleased.

Religion is necessary for making life noble and peaceful. If I wish to offer prayers to my God in my own way I must recognise a similar right of my neighbour. If I consider my way of life perfect, another man too has similar freedom of choice. Such is the correct attitude of a truly religious man, whatever be his faith or belief. Moreover, service of mankind is, according to every religion, the best way to please God, Nationalism on the other hand, confines ourselves to a definite territory with a definite political and economic organisation in which each citizen has a separate existence to work in harmony with the good of the nation. If religion is followed in its truest sense, it does not run counter to the ideal of nationalism. The one makes man serve his country in the best way, the other enables him to lead his private life in the noblest manner. The one does not hinder the other, provided we understand both correctly. To break a man's head is not service of religion. A nation needs patriots whose way of life is noble and highly tolerant. From this point of view religion can be made to serve nationalism.

True civic sense consists in recognising the right of others to act freely in all matters which do not interfere with our good. Religion is one such matter, being concerned with the individual and his God. It is for the youth of a nation to rise above narrow sectionalism and communalism, to assign proper place to religion in life and advocate tolerance. No modern state has adopted any particular religion of its own and by so behaving every state has been able to increase the prosperity of its people and add to their happiness. The

need of a similar attitude and tolerance is no where greater today than in this ancient land. In ages gone by, India had the good fortune of being governed by her own sons who professed different religions but who allowed their subjects full religious freedom.

We thus see that religious life is in no way inconsistent with the true form of patriotism and nationalism. Only we have to act in each sphere in the right way.

Questions.

1. Give a brief survey of some of the religious movements in modern India, and estimate their influence.
2. What effect does religion exercise over the civic life in India ?
3. Sketch the main tenets of any two of the religious movements of the 19th century in India.
4. How far have religious movements in India promoted or hampered the growth of Indian Nationalism.

CHAPTER IV

ECONOMIC LIFE IN INDIA

Chief Professions in India.—The Indian saying—"The best profession is Agriculture, next comes Trade while Service is the worst" correctly sums up the attitude of an average Indian regarding the economic aspect of life in this vast land. Since times immemorial, beginning from the settlement of the Aryans in the land of the five rivers, Indians have largely been engaged in agriculture. The main reason is the inherent simplicity and democratic nature of the Indian and his belief in the gifts of nature which has plentifully smiled on this country by giving it a very fertile soil, a network of rivers flowing gently towards the sea, and offering great opportunities for irrigation, and a variety of seasons. The Indian peasant is thus the chief supporter of the millions in the country and even outside it. Next comes a system of smaller industries closely connected with agriculture, like handspinning and weaving, trade in agricultural commodities, basket-making, carpentry, blacksmithy etc. There are other industries, mostly on cottage lines which absorb a small percentage of the population. Large Industries, like textile and woollen goods manufacture, mining, paper making, match-manufacture, and lumbering are slowly increasing. Labour skilled as well as unskilled, supports quite an appreciable percentage of the villagers. All these features of the economic life of the people have been dealt with in different places. But the most

important point to remember is the utter poverty of the Indian masses who, inspite of their hard labour and honest dealings, remain underfed, and insufficiently clothed. They live in houses which are insanitary, and too small to contain the members of the family. Hence the significance of the remark made by the Simon Commission:—"Far more important than the counting of heads and the measuring of distances is a due appreciation of the life of the people.....for the sake of whom any system of government should exist".

Agriculture in India.—As India is a predominantly agricultural country; it gives out of every 100 persons, 71 to agriculture, 12 to industry, 5 to trade, 2 to domestic service, $1\frac{1}{2}$ to government service and the rest to other professions. So that the Indian soil supports about 246 millions of whom nearly 228 millions directly cultivate their own or other's fields. Yet, while other countries of the world have made rapid progress in agriculture, the Indian peasant remains very much where his forefathers had left him. Neither the modern agricultural implements, nor chemical manures or improved seeds, nor others kinds of agriculture improvements have as yet entered Indian villages. The result is that even in her most ancient industry, *i.e.*, agriculture, India has not kept pace with the advanced countries of the world. The causes of the backwardness of the Indian peasant are many. He is completely ignorant of the late improvements in agriculture. He still uses the same plough as his ancestors did several centuries ago. There are very few opportunities for him to sow improved quality of seeds. He generally depends upon

the uncertainties of rainfall for irrigating his fields. Whatever canals or irrigation tanks have been constructed are yet very insufficient for this purpose. His fields are so scattered in the village that he wastes quite a better part of his time in going from the one to the other. "India is mainly a country of small holdings... The disruptive tendencies of the Hindu and Mohammadan laws have profoundly affected agricultural economy through encouraging the minute subdivision of land. Broadly speaking, all male members of the family—and in certain circumstances the widows and daughters too—have under these systems an absolute right to a certain share in family property, and a partition of this among the members frequently results in the minute subdivision not only of the property, but even of the fields". Another cause of fragmentation of the fields is the division on the basis of zone system, *i.e.* each partner getting a share of the distant fields, a share of the intermediate fields and a share of those situated in close proximity of the village, or again each one getting a few fields irrigated by wells and a few situated, say, on the hill-side, particularly in a province like Bengal. It may be safely assumed that originally the size of a cultivator's holding depended upon his ploughing capacity with a yoke of oxen. Later on, however, with the growth in population and the resulting land hunger there has been a tendency towards cutting down the size of individual holdings. We now find that on an average the size of a peasant proprietor's holding is nearly five acres. To add further to the troubles of the small land-holder is the general tendency to grow

staple crops and not use the small holding for fruit-growing. There are some natural calamities too, of which the Indian peasant is often a victim, e.g., diseases in the fully grown-up plants of wheat, *Bajra*, *Juwar*, cotton, etc., or locusts, or a sudden increase of rats in the field, besides failure of rains at the proper time. Sometimes too heavy rainfall or hail-storm destroys the standing crops. In addition to these causes of the cultivator's difficulties, there are other reasons which retard his progress and prosperity. Firstly, he does not possess the necessary capital for initial expenses, and this forces him to seek the help of the village money-lender who charges exorbitant rates of interest. Secondly, there are no good means of transport which might enable him to carry the produce to the markets where he could get a reasonable price, and he is compelled to sell the produce at a very cheap rate. Lack of proper marketing facilities often times brings about his ruin. Thirdly, his cattle, particularly his oxen, are weak and unable to bear the burden of ploughing his fields and irrigating them. Fourthly, he has till now exercised little or practically no control over revenue and rent legislation which has often proved detrimental to his interests.

To improve the lot of the peasant and cultivator is to do the best service of the country. The foremost requirement is the giving him proper, though elementary education with a rural bias. This will remove his ignorance and enable him to adopt modern implements of agriculture, use chemical fertilisers, make proper selection of crops, sow the best quality of seed obtained

from government farms and seed depots, and take advantage of the methods employed recently to produce better quality of oxen. Such an education can be imparted through the radio and also by requiring the village *Patwaris* to tell the cultivator where he can get better seeds and better cattle. Agricultural credit banks should be established to lend him money at reasonable rates of interest and thus ensure higher profits to him. This can be easily done during these days when money is so cheap in the market. Cooperative credit societies must be opened where they do not exist at present. For improving irrigation, more canals must be constructed and the hydro-electric system extended. The State can borrow money for these profitable purposes. Rent and revenue laws must be so amended as to lessen the burden on the cultivator and leaves him atleast enough to eat after paying the rent and the debt, if any. Better means of transport should be constructed, e.g., *kachcha* roads should be regularly repaired, more ferries and bridges built over rivers, canals and *nallas*, regular lorry service introduced during the crop season between villages and the nearest markets, and railway rates reduced for transporting agricultural products. The cultivator practically wastes about four months in the year when there is no work to do and he waits for the rains to start work in the fields. It is necessary to keep him engaged during these offmonths in some productive work. He should be encouraged to do such small but profitable work as spinning, basket-making, rope-making, etc. The extension of the supply of cheap electric power will also help him in taking up small industries to supplement his meagre income. It is true

that recently certain improvements have been made in the general tone of rural life, by the establishment of rural uplift centres, but what has been done is confined to an almost insignificant percentage of the rural population. The rent and revenue system needs a complete overhauling so that the primary object of providing due relief to the cultivator may be achieved. Besides, steps must be taken to fight out the calamities resulting from occasional famines. Food and fodder during the famine period must be quickly transported to the affected regions, and relief works opened in several centres.

It must also be admitted that the cultivator can improve his lot by his own efforts if his general outlook of life is widened and his political judgment quickened. This is possible if the franchise is broadened, libraries in villages established and more schools, for the children as well as for the adults, opened.

Large-Scale Industries in India—The scientific discoveries and inventions, particularly the use of water, steam and electric power, during the last of the present centuries have completely changed the economic condition of peoples throughout the world. But India has not made the same progress as America or the European countries have done. To what extent this industrial backwardness of India is due to the system of government in the country need not be discussed here. Suffice it to say that the want of protection to home industry, absence of sufficient cooperation between industrialists and the disadvantageous system of customs duties, have all conspired together to retard the progress of industries in India. In fact, several attempts to revive them have

often failed. Till recently India imported large quantities of sugar from abroad. But during the last ten years sugar industry has so largely developed in the United Provinces and Behar that the country is now almost, if not completely, selfsupporting as regards sugar. A network of sugar mills has spread in eastern and western districts of the United Provinces and some of the districts in Behar. This has considerably improved the economic condition of those engaged in this important industry.

But the most important industry which has recently made immense progress in India is the textile industry. Cotton, woollen and silk, and cloth manufacture has received great impetus from the Swadeshi movement in general and the boycott of foreign cloth in particular. Before the coming in of the East India Company in India, our country was famous for its cloth, particularly the Dacca muslin was famous throughout the world. But since that Company started trading with India our industries went down steadily decreasing and Indians had to spend enormous sums on the import of foreign cloth. The general national awakening in the country has now brought about a happy change and we are developing our industries rapidly, though Indians still do not control the policy of the Indian Government with regard to the regulation of customs duties. It is, therefore, essential that with the transference of power to Indian hands, the industrial development will receive great encouragement. About six million workers are engaged throughout the country in the cotton industry alone. The bulk of the organized establishments are in the western tracts, where the large cities own a

considerable portion of their prosperity to the development of the textile industries and the cotton, growing country is covered with mechanically worked gins and presses for the preliminary treatment of the raw material". The cotton mills of the city of Bombay alone turn out one-third of the total cotton production of India. The following figures indicate the position Bombay occupies in the textile industry of India:—

| | Bombay | Inland | All India |
|---|--------|-----------|-----------|
| Number of mills | | 81 | 340 |
| Number of spindles | | 34,41,859 | 95,06,083 |
| Number of looms | | 79,950 | 1,86,341 |
| Average number of hands employed | | 1,29,534 | 4,03,226 |
| Average quantity of cotton consumed in bales of 392 lbs | | 9,20,730 | 29,11,264 |

If Bombay is famous for her cotton industry, Bengal is equally famous for her jute industry. This industry which is considered to be the monopoly of India (Bengal), is of recent origin. The first jute mill in Bengal was started in 1855, and the first power loom was introduced in 1859. Since then there has been a steady growth and we may now see a net-work of jute mills in Calcutta and other towns in Bengal. Recently jute mills have also been started in other places, for example, Cawnpore in the United Provinces. Fancy articles of jute have been manufactured, like carpets and durries, besides gunny bags which are exported to foreign countries in large quantities. The total value of jute exports is now in the neighbourhood of fifty

mines of Jharia supply coal to different provinces, and the Tata Iron and Steel Works at Jamshedpur are the pride of the country. The steel industry is steadily on the increase. Besides iron and coal, India produces manganese ore, gold (Mysore) zinc, tin, copper, lead and silver. It is very necessary to encourage the mining industry of the country and thus help, the economic regeneration of the land. At the present time about 700,000 persons are employed in the mining industry, but further development can give means of livelihood to several lakhs more.

The forests of India are famous for their vast stores of wood which is useful for building and other purposes. So far the forest produce has not been made enough use of. If Indian youths turn their attention and direct their energies to turning the forest produce to economically sound projects, prosperity of the country is bound to increase. The State too should come forward to aid all private enterprises launched upon to exploit the natural resources of the country.

Great Poverty of India.—The economic condition of the country is so deplorable that a large majority of her population do not get even one full meal a day, to say nothing of the insufficient clothing and unclean, and insanitary houses in which they are forced to live. Various reasons account for this poverty. The most important of them is the top-heavy administration of the country, which finds no parallel in the world. Secondly, expenditure on the army is out of all proportion to her needs and capacity. Thirdly, the State has so far neglected to encourage cottage industries to enable

small artizans to earn their livelihood. Fourthly, no attempt has so far been made by the Government to afford facilities to the peasants to take up lucrative work during the four months they remain practically idle. Fifthly, the tariff policy of the Government is yet another reason of our poverty; it either kills Indian industries or else gives undue advantage to foreign manufacturers. Sixthly, the country is governed by foreigners, who employ a very large number of their own nationals, and this proves a great drain on us.

The Indian saying, "What evil a hungry man would not do under compulsion" is true in the case of the general mass of our people. Starvation has led to several evils which eat into the very being of our social structure. Unemployment, particularly among the educated youths, is on the increase. Vocational training is the great need of the land and unless effort is now made to explore all avenues to combat unemployment, it is more than certain that our poverty will increase day by day. This will affect the health of the people adversely, leading to increased mortality and a general loss of vitality. It is true that several evils like drink, child marriage, several social customs, and ignorance of the people are also some of the causes of India's poverty. But all these need careful attention of those who have now been called upon to govern the country. Movements like the *Charka Sangh*, Temperance, Swadeshi Exhibitions, etc., are all likely to improve our economic condition, but the greatest need is the entire overhauling of the educational system and a drastic retrenchment in the costly administration so that enough funds may be spent on the nation-building

departments. All this can be achieved if the State realises its responsibility to the masses.

Industrial development, which has been going on now for war purposes should become a permanent feature so that a large proportion of the unemployed people may earn their livelihood. Agriculture must be given all encouragement by introduction of improved methods. Indianisation of service must be undertaken to reduce poverty.

Questions.

1. Give the causes of the poverty of the Indian cultivator. What measures would you like to take to improve his condition ?
2. What are the causes of unemployment in India ? What steps would you take to remove it ?
3. 'India is mainly an agricultural country.' Discuss.
4. Give a brief account of the industries in India.

CHAPTER V

EDUCATION AND CULTURE IN INDIA

Antiquity of Indian Civilisation.— Historians are unanimous in according to the civilisation of India a high place among the cultures of the world. Whereas other countries and their ancient civilisation (like Egypt, China and Babylon, Greece and Rome) have receded into the background. Indian culture still attracts the admiration of the foreigner. True in most respects our civilisation is a mass of relics, yet India's heart is still sound and she still adheres in practice to the principles of her own culture. Her system of education, her art, her ancient literature, her architecture and her general outlook of life are maintained almost unimpaired despite the frequent invasions of the foreigner and the introduction of other culture and civilisations. This does not mean that Indians have nothing good to learn from what other countries have achieved in these fields. What we really mean is that with the back ground and heritage of which she can legitimately feel proud, India is still in a fortunate position to regain her past glory and place of pride among the nations of the world: A nation that can feel no pride in her past, loses the mainstay of its national character. Fortunately India is in no danger of this kind of loss. She can rely on her past to act in the present order to build up a future consistant with her heritage.

Education and Culture in Ancient India.—As discussed in a previous chapter, the Aryans divided man's life into four equal periods of 25 years each. The first period, called *Brahmacharya Ashram*, was devoted to the acquisition of knowledge, the building up of the body and the general training of the boy or girl for the battle of life. From the age of about eight years the child was sent to the *Guru's place (Gurukul)* to be taught according to the system in vogue. The child was, during his period of study, under the complete control of the *acarya* or teachers whom he respected intensely, and for this reason he was able to learn whatever was taught to him. In the institution rigid discipline was observed, which trained the pupil for his life. The subjects taught included grammar, literature, philosophy, logic, religion, mathematics, astronomy, geography and stories from ancient history. Both the teachers and the taught depended generally, on orally imparted education. Books were all manuscripts which were copied out by the pupils.

they studied with their teachers. This created real sympathy and fellow feeling among the students (*Vidyarthis*). The best proof of this may be seen in the story of Krishna and Sudama; a better example than this of real communistic life of the pupils is difficult to quote. This equality of treatment was observed in food, dress and general behaviour. The education given to the girls was in several respects different from that of the boys, the object being to train good citizens, men for their out-door duties, and women to be efficient mistresses of the house and good mothers. There was no co-education; separate institutions were maintained for boys and girls. The system of education resembled in several respects with that advocated later on by plato for the training of Greek citizens.

The teachers devoted enough time to research work in every branch of knowledge. This is why they were able to produce the best works on different subjects, like literature, poetry, drama, philosophy, logic, ethics, theology, art of government, medicine, astronomy, mathematics and military science. The *Vedas*, the *Shastras*, the *Upnishads*, the *Purans*, the *Brahman granthas* the epics etc., among a host of others, are the result of their constant meditation and devotion to research.

Due attention was paid to fine arts, music, painting, and architecture and sculpture attained a high standard of proficiency in those days. Examples of such works may still be seen either in the relics of ancient works, like the caves of Ajanta, Rajgriha, Elephanta and other places which are now being excavated, or in the books of that period. Handicrafts were taught and encouraged.

made on this basis. The Kanya University (mentioned in the Mahabharat) was situated on the banks of the Malini, where the chief subjects of study were the Vedas, Vedantic philosophy, and logic. Kashmir too was an important centre of Hindu learning and education where pupils from distant places flocked together for learning literature and philosophy. The Buddhist Universities of Vikramasila and Nalanda, whose fame is still remembered with pride and reverence by the Hindus, were the centres of Buddhistic culture, and they attracted students from far-off lands like China, Java, Cylon, and Japan.

The method of teaching in vogue in all these places included individual attention, discussions with teachers and meditation, besides oral and written teaching. Public discussions were frequently held which were attended by large numbers from the towns and villages. In short, great care was taken to make the education of students real and not confined to mere cramming.

The success of the intensive intellectual and educational activity of all these centres of learning in ancient India was mostly due to the environmental factors. The Universities were situated far away from the towns and were, therefore, free from all noise of worldly life. Thus concentration and meditation were assured. Teachers were highly respected by the rulers and kings who always took care to see that the former did not suffer for lack of necessary funds. True in ancient India there was not much State control over education, but still plenty of funds were placed at the disposal of all centres of learning.

education of the people. *Maktab*s either replaced the *pathshalas* or they were opened in other places. Arabic and Persian partly replaced the study of Sanskrit, and in this way the two cultures, Hindu and Muslim, were brought face to face. As was natural, a new culture arose which became an important result or gift of the Muslim rule to India.

Muslim education was given in two kinds of institutions, *Maktab*s and *Madarsas*. The former were attached to all mosques and were elementary schools where all Muslim children, almost on a compulsory basis, atleast in theory, were expected to learn the broad principles of their religion, and they crammed the Holy Quran to memory. They were also taught elementary arithmetic, stories from the lives of saints and great religious preachers, and some historical anecdotes. These *Maktab*s were maintained with grants and endowments made to the mosques by the rulers as well as by private individuals. Boys and girls usually read together, though girls after a brief period were not allowed to study in the institutions on account of the rigid *pardah* system universally prevailing among the early Muslims in India. As the education then given was mainly theocratic, there was little room for Hindu children to read in these *Maktab*s. Some of the Muslim rulers even tried to discourage the education of the Hindus, but such cases were exceptions. The Hindus, however, continued, though sometimes under very unfavourable circumstances, the education of their children through some of the old institutions which had escaped the fury and wrath of the fanatic invaders. The Muslim *Madarsas* were

centres of higher learning where education was given in philosophy, law, theology, grammar, history, logic, etc. These were maintained through educational grants and endowments made by the State. In these centres of (which those at Budaun, Jaunpur, Agra, Delhi and Multan were important) there were many Muslim scholars of repute who made valuable contributions to Persian, and later Urdu literature, besides turning out eminent pupils. Astronomy, theology, poetry, medicine (the Unani system) and agriculture received special attention. Some of the Muslim rulers took keen interest in all these branches, for example, Babar (renowned for calligraphy and horticulture), Humayun (famous for maintaining a large library of valuable manuscripts). Akbar (who respected great scholars, poets and theologians) and Aurangzeb (who though a man of simple tastes, respected poets).

Though Muslim women in general did not receive education in large numbers, some of them undoubtedly acquired fame in several spheres Razia Begum, the renowned administrator and soldier, Mahamanaga (the sister of Humayun) famous for having been the author of Humayun Nama, and Nur Jehan (who had acquired mastery of the Persian and Arabic literatures) were some of those who had taken a keen interest in higher education.

The Moghal emperors largely encouraged the cause of higher education, fine arts and general culture. Babar wrote his autobiography which gives vivid pictures of the social and general life of his times. He encouraged agriculture and horticulture. Humayun, though he had to face and undergo serious political

troubles, continued his deep interest in maintaining a large library. Akbar, though not a literate himself, highly respected all scholars without distinction of race or faith. The nine gems of his court included the best intellect of that time. The Emperor was a poet and encouraged poetry so much that some of his Muslim counsellors, the chief of them Abdur Rahman, took to Hindi poetry in which they won great renown. Akbar's reign was marked by an intense intellectual activity. It was during his reign that the Hindus were admitted to high office an attitude which brought about a mingling of the two cultures, Hindu and Muslim. Jehangir too continued to respect scholars. It was during the time of Akbar and Jehangir that some of the best Hindi poets and scholars flourished, including Mahatma Tulsidas the celebrated author of the *Ramacharitmanas*. Shahjehan took special interest in architecture and beautiful buildings and paintings. The famous Taj Mahal, one of the wonders of the world, is an example of the Moghal taste of architecture. Almost all the Moghal emperors encouraged fine arts, including painting, calligraphy and music. Tansen, the celebrated musician, was a great favourite of Akbar. The emperors gave great impetus to history writing, except, of course, Aurangzeb, and the historical accounts and books of that period may be counted among the richest heritage of the Moghal rule in India.

Muslim education and culture were highly democratic in so far as the Muslims were concerned, though the Hindus did not receive their due in the form of state grant to Hindu Education. On the whole, India's debt to the Muslim rulers, in the promotion of learning,

Macaulay, too, submitted his Minute on the subject, in 1835, supporting the claims of English as the medium of instruction. The Raja firmly believed in the regeneration of India through the adoption of all that was good in western culture, without, however giving up all that was good in the eastern culture. Lord Macaulay on the other hand thought that if Indians were given western education through the medium of English, they would soon give up idolatry and without any official attempt and interference in the doctrines and practices of the Indians, they would be made easy converts to western culture. He also favoured the English medium on the ground that it would enable the Company to get a regular supply of English knowing Indian clerks on small salaries for the administrative offices, besides making them loyal and devoted to the British rule in India. Ultimately, the decision was taken in favour of the English medium and western education.

The provincial governments of Bombay, Madras and N. W. (now U. P.) also favoured the scheme. Committees were therefore, set up in the provinces to implement the recommendations. While deciding upon the establishment of secondary schools and colleges of western learning the Government made it clear that in religious matters they would observe neutrality. Several other changes contributed to the success of this scheme, *viz.*, freedom of the press (established in 1855), substitution of English for Persian as the court language, and the giving of preference to English knowing Indians in making appointments to Government posts. Within a decade the demand for English education

outstripped the means of the Government; though the Muslims generally held aloof in this new movement.

The next step in the direction of education was taken in 1853 when Parliament ordered an inquiry into the condition of affairs in India prior to the renewal of the Company's Charter. Sir Charles Wood sent his famous despatch on education, wherein he rejected the old idea that education given to the higher classes would itself filter down to the masses. He advocated boldly the policy "to combat the ignorance of the people which may be considered the greatest curse of the country." The Despatch advocated three clear stages of education, *viz.*, primary, secondary and university. It advocated the establishment of affiliating universities concerned with merely holding examinations and granting degrees—these examinations to be the passport to high posts under the Government. Sir Charles recommended a system of grant-in-aid to replace the spending of all money on the maintenance of purely Government schools and colleges. The Despatch concluded with the hope that "Such a system as this, placed in all its degrees under efficient inspection, beginning from the humblest elementary institution and ending with the university test of a liberal education would impart life and energy to education in India, and lead to a gradual but steady extension of its benefits to all classes of people". Though all the recommendations of the Despatch were not accepted by the Board of Directors of the Company, yet most of them were accepted and given effect to. Departments of Public Instruction were established in all the provinces to look after and control the educational institutions.

within their territories, and these were financed by the Government at the centre. Three years later, *i.e.* in 1857, three Universities were established at Calcutta, Madras and Bombay, which besides holding degree examinations also controlled the Matriculation examinations. As the Despatch had recommended that special attention be given to vernacular education, female education and technical education without in any way interfering with the religious beliefs of the people, Government took some steps to implement the same. Since then the development of the educational system in India took place along the lines suggested in the Despatch. In 1871, the Government of India made over the subject of education to the provincial governments, promising at the same time regular grants from the central revenues.

Another forward step was taken in 1882 by appointing a commission presided over by Sir William Hunter, to review the progress of education since 1854. The Hunter Commission, while generally endorsing the policy underlying the Despatch of 1854, recommended the expansion of primary education and its general management by local bodies. Hence, when under Lord Ripon the local self-government Acts were passed (1883-1885) in the various provinces and local bodies set up, the latter were given the control over all primary education with grants from the provincial revenues.

In 1902-04, important reforms of a far-reaching character were made in education. In 1902 Lord Curzon, then Viceroy, appointed the Universities Commission, the report of which was followed by the Universities Act of 1904. By this Act, the territo-

trial jurisdiction of each University was defined, whereby no University could deal with any school or college outside its limits. Government control over the Universities was tightened up as the Chancellors (in practice the Governors as exofficio Chancellors) nominated eighty percent of the members of University Senates (governing bodies), and apporoved of the election of the rest. Government retained the right to cancel any appointment made by the University, and it had also the final voice in allowing affiliation or disaffiliation of any college or school to the Universities. The Universities were permitted to keep control over schools and colleges affiliated to them and provide for their inspection, though the inspection of school was to be made by the officers of the Department of Public Instruction in each province. They were allowed to control teaching of the postgraduate grade and standard. But no attempt was made by the Commission to investigate into the relationship between the colleges and secondary educational institutions. The Government maintained a number of model institutions of each kind, university colleges, and secondary schools. It made increased grants-in-aid to privately managed institutions but retained the right to inspect them. Facilities were also afforded for manual instruction and the teaching of hygeine, for research and for female education. These decisions were taken by the Government in its Resolution of 1904, and were further supported in the Resolution of 1913. In 1910, the Government of India created a Department of Education under itself, with an Education Member who was given a seat on the Viceroy's Executive Concil.

This Department was to advise the provincial education department and to coordinate their activities whenever required to do so. It was definitely a recognition of education as a subject of nation-wide importance.

Realising the necessity of reforming the system of higher and secondary education the Government of India appointed in 1917 the Calcutta University Commission to investigate into the system of education and make recommendations for reform. The Report of the Commission was published in August 1919, and in January 1920 the Government of India published a Resolution summarising the recommendations of the Commission. The Commission had made detailed suggestions to reorganise the Calcutta University, to establish a teaching University at Dacca and to control Secondary and Intermediate Education in Bengal. Other Universities were not slow to appoint committees to study the Report and suggest improvements in their own organisation and working, and it was a result of these attempts that in several provinces teaching Universities were established and Boards set up to control the High School and Intermediate Education.

With the introduction of Political Reforms of 1919, the provincial governments were given complete control over education within their territories under the charge of popular ministers responsible to the legislatures. This marked a definite departure from the old practice as all official control came to an end. Naturally, the ministries of education, realising the benefits of all round expansion of education, quantitatively as well as qualitatively, in every branch of knowledge, tried to spend more on education, and to establish vocational,

technical and agricultural institutions. But as finance was a reserved subject in each province, over which the legislatures had no control, the ministries could not achieve the success they had longed for, mainly on account of lack of funds.

When the Indian Statutory Commission was appointed in 1927-28 to investigate into the progress India had made, the Commission appointed a Committee under the chairmanship of Sir Philip Hartog to report on the growth of education in India. The Report of the Hartog Committee is a very useful document, and if its recommendations are followed the educational system of India may be improved considerably.

During the last twentyfive years or so, several non-official attempts have been made to increase literacy and import primary, secondary and higher education to the children, boys as well as girls. Very great and successful attempts have been made by such bodies as the Aryasamaj, which maintains a large number of colleges secondary and primary schools for boys and girls and vocational schools; the Muslim community which has succeeded in establishing a teaching University at Aligarh besides a large number of schools and colleges all over the country; the Christians whose societies run many colleges and schools; and the Sikhs who too have not lagged behind in establishing a first grade college at Amritsar besides a number of secondary and primary schools; and the Hindus in general whose local societies run many colleges and schools, Secondary and primary (for boys and girls) throughout the country, and the Benares Hindu University which is the result of the noble and continued efforts of

Pandit Madan Mohan Malviya. In addition to these institutions, the old type of Pathshalas attached to temples, and Maktabs attached to mosques, are spread all over the country and imparting education with a religious bias.

Such, in brief, is the history of the development of education in India in the modern age. The actual system of the education is now given below.

The Stages of Modern Education—The present system of education in India consists of three main stages, primary, secondary (including both kinds, *viz.* Vernacular and Anglo-Vernacular), and higher or University. Primary education consists in teaching the pupils the vernacular of the province upto the fourth standard, a little of geography, arithmetic, drawing and a little of hygiene. In the urban areas where there are municipalities and town area committees, primary education is managed by them. The expenditure is met from Government grants earmarked for the purpose, and from general funds of the local bodies. Those municipalities which introduce compulsory primary education may also levy a small education tax for meeting the extra expenditure involved. The syllabus is generally prescribed by the education department of the province. The government of the province maintains at its own expense an inspection staff, consisting of inspectors, deputy inspectors, etc., to inspect these schools. Municipal Boards maintain Secondary Vernacular Schools as well, in which education is given upto the seventh standard; the subjects taught include language, mathematics, history, geography, drawing and in some places manual training. English is taught in some of these schools as an optional subject.

Primary education in the rural areas is managed by the district or taluka boards, which get a grant from the Government for this purpose and are also allowed to spend out of their general income and, if necessary they may levy an education tax. No district has so far been able to introduce compulsory primary education. The inspection of the schools is made by the officers of the Government. Secondary vernacular schools are also maintained by these boards. The municipal and district boards maintain a very large staff of teachers for their schools. The syllabuses and text-books are prescribed by the education department of the province, generally by the committees appointed for the purpose.

The Vernacular Final Examination, which marks the last public examination in the system, is held by the provincial educational department. Government gives certain stipends or scholarships to meritorious students, to sons and dependants of soldiers who died in the Great War and to students belonging to scheduled castes. Till recently, primary and vernacular secondary education was confined to children of the high castes, but during the last ten years or so, great encouragement has been given to education of the children of depressed or low classes; all public schools maintained or aided by the Government have been thrown open to them.

The present system of primary and vernacular secondary education suffers from serious defects. Firstly, there is a great wastage in the primary stage. It has been calculated that out of every 100 children who begin primary education, not more than 15 are able to

complete it. Thus all funds spent upon the education of 85 children are wasted for no tangible return. Secondly, the quality of education given upto the primary stage is too low; it neither enlarges the outlook of the pupil nor enables him to profit by it in any other way. Thirdly, the courses prescribed are very unsatisfactory; there is too much insistence on mechanical cramming, while no agricultural bias is given to rural education so necessary for the children of villagers who are mostly engaged in agriculture. Fourthly, the staff is too low paid and this leads to considerable inefficiency. In many cases, proper arrangement for physical exercises and general sports is not made, and this spoils the physique of children at an early age. And lastly, the education is largely unrelated to actual problems of life, handicrafts and general training receiving almost no attention. There is, thus, vast scope for improvement in the system now in vogue. The courses must be radically revised. Recently, however, basic education has been introduced in some primary schools and the results are being watched.

For rural areas there must be prescribed text books dealing with the agricultural aspect, sanitation and rural hygiene. Handicrafts must be encouraged and nature study taught. The system of compulsion to educate the child atleast upto the fourth standard must be introduced to save wastage and turn whatever little education is given, to useful purpose. Ever since the late Mr. Gokhale introduced a bill in the Imperial Legislature in 1911, for making primary education free and compulsory, non-official opinion in India has been demanding the satisfaction of this urgent and pressing

need of the people, but often times the Government has pleaded lack of funds to implement the scheme. Funds should now be made available to the local bodies to introduce compulsion in primary education. True, recently there has been a steady growth in the number of children reading in primary schools, as well as in the sum of money spent out of the public revenues, still in view of the appalling illiteracy (the percentage of literates of all kinds and grades being only 12), it is incumbent upon the state to cut down its expenditure in other directions and remove illiteracy as early as possible. It is often forgotten that opening a school means closing a prison and preparing better citizens and breadwinners. The total number of children in primary schools is about one crore in the total population of over 28 crores in British India. The total expenditure on education in all kinds of institutions in British India is nearly 26 crores of rupees per year, out of which 44% comes from the Government, about 16 percent from municipal and district boards, 24 percent from fees and the rest from other sources. In strange contrast is the expenditure on the military, which amounts to nearly 45 crores per year in normal times.

The second stage of education in India is the secondary and high school stage. Mention has already been made of the vernacular secondary education which is managed by municipal and district boards. We, therefore, discuss here the Anglo-Vernacular secondary education. In some of the provinces separate boards have been set up by the Governments concerned to take charge of the secondary and high school

education, removed from the control of the education department or of the University alike. These boards fix up the standard of education, including courses and text-books, grant or withdraw recognition of high Schools and Intermediate Colleges, and conduct examinations and grant certificates on their results. In other provinces the Universities still control Secondary Education, fix their courses, hold the examinations and grant certificates. In all provinces the provincial governments allot grants to the aided and recognised High Schools and Intermediate Colleges through their 'Department of Education' on the basis of number of scholars, salary of teachers, status of the institution (whether it is a middle school, high school or intermediate college), and other needs. Not more than half the total expenditure of the institution is the grant from the Government. These institutions are of two kinds, those entirely maintained by the Government, and those maintained by public bodies and individuals. The number of the latter kind is much larger than of the former which are meant to serve as models for others to follow. The public examinations at the secondary stage are in some provinces two, and in others only one. The first public examination called in different places by different names, *viz.*, Matriculation, or Admission or High School or School Final, is held at the end of the high school stage. In those provinces where the Intermediate Education has been transferred to Boards, there is held the Intermediate Examination. The subjects of study, besides English which is every where a compulsory subject, are mathematics, history,

geography, science, classical languages, provincial vernaculars, nature study, manual training, music, book-binding, carpentry, drawing, commerce subjects, etc., for the Matriculation classes. Most of the subjects are optional. In the Intermediate classes, biology, logic, advanced mathematics and science are also taught.

The chief defects of the present system of secondary education are; too much insistence on book work, less attention to realistic side of education, want of practical training, too long time devoted to the stage of education, and a general aimlessness in the system. It is necessary so to modify the syllabuses and courses of study as to make the education more related to the needs of society. Emphasis must be laid on a student offering the subjects for which he or she is mentally fitted. At present there is no scope for students to take up vocational training in continuation with secondary education, spinning, weaving, handicrafts, and fine arts must receive due attention. The secondary stage must be shortened by atleast a year, not by cutting down the courses or lowering the standard but by rearranging the subjects and time-table of teaching.

The third and final stage of the system of education is the University teaching. As already said, the first three Universities of India were established in 1857 at Calcutta, Madras and Bombay. They were affiliating Universities for holding degree examinations and encouraging post-graduate study and higher research. In subsequent years greater interest was shown in higher education and the number of Universities was increased, with different faculties and provision for various degrees. At the present time there are eighteen

Universities in India. Their names, years of establishment, nature, faculties of teaching and examination, degrees granted, and general features are given below:—

- (1) Calcutta (1857). Affiliating and Teaching; Faculties of Arts, Science, Law, Medicine, Commerce and Teaching; B.L., M.A., Ph. D., B.Sc., M. Sc., D.Sc., B.L., M.L., D.L., M.B., M.D., M.S., B.Com., B.T.; diplomas in public health and spoken English.
- (2) Bombay (1857), Affiliating and Teaching; Faculties of Arts, Science, Commerce, Teaching, Agriculture, Engineering, Law, and Medicine; B.A. (Pass and Honours) M.A., D.Litt., B.Sc., M.Sc., D.Sc., B.Com., M.Com., B.T., B.Ag., B.E., M.E., LL.B., LL.M., LL.D., M.B., B.S., M.D., M.S.,
- (3) Madras (1857), Affiliating and Examining; Faculties of Arts, Science, Agriculture, teaching, Law, Medicine, and Engineering; B. A. (Pass and Honours), M.A., D.Litt., B.Sc., (Pass and Honours) M.Sc., D.Sc., L.T., M.L., D.L., M.B.B.S., M.S., M.D., B.E.; Diplomas in Oriental Learning, Economics, Modern European Languages, and Certificate in Librarian Course.
- (4) The Punjab (1882), Affiliating and Teaching; Faculties of Arts, Science, Law, Medicine, Agriculture and Engineering; B. A. (Pass and Honours) M.A., D.Litt., B.T., B.Sc., (Pass and Honours) M.Sc., B.Sc., and M.Sc., (Agriculture), B.Sc., in Engineering; Diplomas in Oriental Learning, and Degree of Bachelor of Commerce.

- (5) Allahabad (1887), Teaching and Unitary ; Faculties of Arts. Science, Law ; B.A., (Pass and Honours), M.A., Ph.D. D.Litt., B.Sc.. (Pass and Honours), M.Sc., Ph.D., D.Sc., LL.B., LL.M., LL.D.,
- (6) Benares Hindu (1916), Teaching and Unitary ; Faculties of Arts, Science, Law, Engineering, and Oriental Learning ; B.A., M.A., D.Litt., B.Sc., (Science and Engineering), M.Sc., (Science), LL.B., LL.M., D.Sc. (Science), LL.D., Shastri and Sahityacharya; Offers course in Applied Science Geology, Ceramics ; Agriculture and Ayurveda.
- (7) Mysore (1916), Teaching and Unitary; Faculties of Arts, Science, Engineering and Technology, and Medicine, B.A., M.A., B.Sc., M.Sc., B.T. B.E., M.B.B.S.; Doctorates are conferred only as Honorary Degrees.
- (8) Patna (1917), Affiliating ; Faculties of Arts, Science, Law, Engineering, and Medicine; B.A. (Pass and Honours), M. A., Ph.D., B.Sc., (Pass and Honours), M.Sc., D.Sc., B.L.. M.L., LL.D., B.E., M.B.B.S., M.S., M.D.,
- (9) Osmania, Hyderabad, Deccan, (1918), Teaching; Faculties of Arts, Theology, Law, Medicine, Engineering, and Training: B.A.. (Arts and Theology), M.A., (Arts), LL.B.. B.Sc., B.E., M.B.B.S., Diploma in Teaching.
- (10) Dacca (1921) Unitary ; Faculties of Arts, Science and Law ; B.A.. M.A.. B.Com.. B.Sc.. M.Sc., B.L., B.T.,

- (11) Aligarh Muslim (1919), Unitary and Teaching; Faculties of Arts, Science, Law, Teaching; B.A., (Pass and Honours), M. A., (Pass and Honours), M.Sc., Ph.D., D.Sc., LL.B., LL.M., LL.D., B.T., and the degrees of Bachelor, Master and Doctor in Theology.
- (12) Lucknow (1920), Teaching and Unitary ; Faculties of Arts, Science, Law, Commerce, and Medicine ; B.A. (Pass and Honours), M.A., Ph.D., D.Litt., B.Sc., (Pass and Honours), M.Sc. M. Com. Ph.D., D.Sc., M.B.B.S., M.S., M.D., B.Com., LL.B., LL.M., LL.D., Diploma in Psychology, Teaching and Oriental Studies.
- (13) Delhi (1922), Teaching ; Faculties of Arts, Science, and Law ; B.A., (Pass and Honours), M.A., B.Sc., LL.B., LL.M., LL.D.
- (14) Nagpur (1923), Affiliating; Faculties of Arts, Science, Law, Education, and Agriculture ; B.A., (Pass and Honours) M.A., Ph.D., B.Sc., (Pass and Honours), M.Sc., D.Sc., LLB., LLM., LLD., B.T., B.Ag., Diploma in Teaching.
- (15) Andhra (1926), Affiliating; Faculties of Arts, Science, Medicine, Education, and Oriental studies, B.A (Pass and Honours), M.A (Pass and Honours), D.Litt., B.Sc., (Pass and Honours) M.Sc., (Pass and Honours) D.Sc., B.Ed., M.B.B.S., L.M. & S., M.O.L.; Diploma in Oriental Learning.
- (16) Agra (1927), Affiliating ; Faculties of Arts, Science, Law, Commerce, and Agriculture; B.A., M.A., D.Litt., B.Sc., M.Sc., B.Sc., B.Com., LL.B., B.Sc. (Agriculture).

(17) Annamalai (1929), Unitary, Faculties of Arts, Science, and Oriental Studies; (Pass and Honours), M.A. M.Litt, B.Sc., (Pass and Honours), M.A. M.Sc., M.O.L. ; Diplomas in Oriental Learning.

(18) Travancore (1938), Unitary, Faculties of Arts, Science, B.A., M.A., B.Sc., M.Sc.,

The Universities are more or less autonomous bodies. They get grants from their respective Governments but are free in their internal administration. The Governors of the Provinces are exofficio Chancellors of the Universities within the Province ; next come the Vice-Chancellors, who are either elected or in some of the Universities appointed by the Chancellors. The Benares Hindu University and the Aligarh Muslim University are All India Institutions established by the leaders of the respective communities under Acts passed by the Government of India. They elect their own Chancellors and Vice-Chancellors. The U. P. Governor is the visitor of these two Universities. Each University in India has a number of Administrative and academic bodies with different powers.

The affiliating Universities have several colleges affiliated to them ; these Colleges are situated in different towns and centres within their territorial jurisdiction. Some of these Universities are entirely examining bodies, while a few of them have also provided for teaching. The Unitary and Teaching Universities are residential and teaching, with their own staffs. Most of the Universities afford facilities for higher research for which they have instituted Doctorate Degrees, and are doing excellent research

be opened for the economic regeneration of the country.

Some mention here must be made of the Science Institute at Bangalore, which is doing excellent work in the field of scientific research.

Social Education.—For the education of special communities and classes of people, separate institutions have been opened. Though it is not a healthy sign of national life that in such matters the people be divided on communal or aristocratic basis, yet these institutions are maintained for the education of the Europeans and Anglo-Indians, sons of Indian chiefs and rulers, and children of the depressed classes, separately.

Art, Literature and Culture—The country has developed a new school of art in the present age. Arts schools and colleges have been opened in various parts of the country where very useful work is being done to revive ancient Indian art, music and painting, besides practical training in modern art. The products of these efforts are shown in various exhibitions held in the country. Much more, however, is to be done before we may say that India has enough provision for this kind of teaching.

replaced English as the medium of instruction upto the secondary stage in almost all provinces. Poets, and authors on literature, history, religion, fiction and drama, politics and social sciences, in almost every important vernacular of the country, are adding to the increasing literature. In this connection, it may be mentioned that the Osmania University of Hyderabad is doing very useful service by maintaining a separate department for producing in Urdu standard books on all subjects of study, including medicine, engineering and science. It teaches upto the M. A., and M. Sc. standard through the medium of Urdu which is also the medium of all examinations. Some effort is also being made in the Benares Hindu University to bring out books in Hindi.

In the United Provinces, the Government has established the Hindustani Academy for the advancement of the Hindi and Urdu literatures. It consists of non-official members. It publishes books and a journal in the two vernaculars, maintains a library, and awards prizes for the best productions in these languages.

All these activities are responsible for the Indian Renaissance, signs of which are now definitely visible in all directions in the national life of the people. Not long ago, there was a tendency to copy western methods in dress, customs, language and even feelings, and there was a genuine fear that it might lead to anglicising and anglifying the Indian youths. This tendency has now been arrested by the national awakening which has appealed to the deeper sentiments of the people who have now reversed the process and begun to revive the art, literature and culture of India.

However much some English historians might try to establish and prove that British occupation of India was a mere accident and not the result of a definite plan, the fact remains that the early Governors-General had purposely launched upon a forward policy of weakening the Indian rulers and slowly establishing British rule in the country. As a natural consequence of this policy of *divide et impera* India became a house divided against itself.

The disappearance of political unity, and the administrative system introduced by the East India Company led to a general demoralisation of the Indian nation. But after the transference of power from the Company into the hands of the Crown (1858) a new era began in the history of India. Political consciousness was awakened and the former efforts of Raja Ram Mohan Roy, subsequently reinforced by the rise of the Aryasamaj and like movements, resulted in creating the necessary atmosphere for successfully organising all nationalistic elements to bring about unity, political and national, in India.

It is to be noted here that in those days there was no ban on officials attending political or quasipolitical meetings. For example, when the Indian Association of Calcutta, the object of which was to organise nationalistic forces in the country, held its meetings, they were often attended by civilians as well as, in certain cases, by military officers. Thus, at one of the meetings, held at Bankipore (Bengal) in connection with the demand for holding civil service examinations simultaneously in England and India, Major Hidayat Khan Bahadur,

C. S. I., a military officer, had seconded one of the resolutions.

Nevertheless, the early attempts at reform in the administration were confined to mere requests for a small change here and a small change there. The civil service reform agitation assumed an all India character and in this way an impetus was given to the national movement which was in embryo. This particular move was supported all over the country, except in Madras which, according to the late Sir Surendra Nath Banerji, one of the fathers of Indian Nationalism, was in 1878 the only place in India where he found it impossible "to hold a public meeting upon a question of vital interest to our people, and in regard to which there was practical unanimity all over India".

The result of the efforts made by Sir (then Mr.) Surendra Nath Banerji and others to reform the system of Civil Service Examinations with a view to get more Indians appointed to the Services, may best be described in the words of that great patriot himself. He says, "For the first time under British rule, India, with its varied races and religions, had been brought upon the same platform for a common and united front. Thus was it demonstrated by an object-lesson of impressive significance, that, whatever might be our differences in respect of race and language, or social and religious institutions, the people of India could combine and unite for the attainment of their common political ends. The ground was thus prepared for this great national and unifying movement."

The great change brought about at that time has thus been described by Sir Henry Cotton in his admirable book "*New India*":—

"The educated classes are the brain and voice of the country. The Bengali Babus now rule public opinion from Peshawar to Chittagong; and, although the natives of North-Western India are immeasurably behind those of Bengal in education and in their sense of political independence, they are gradually becoming as amenable as their brethren of the lower provinces, to intellectual control and guidance. A quarter of a century ago there was no trace of this; the idea of any Bangalee influence in the Punjab would have been a conception incredible to a Lord Lawrence, to a Montgomery, or a Macleod; yet it is the case that during the past year the tour of a Bangalee lecturer, lecturing in English in Upper India, assumed the character of a triumphal progress and at the present moment the name of Surendra Nath Banerji excites as much enthusiasm among the rising generation of Multan as in Dacca".

The wave of national awakening once started could not be checked, and this was foreseen by the Secretary of State for India who at that time exercised even greater control over the administration of India than he does at present. Lord Salisbury, a great reactionary, was then Secretary of State for India. He sent out to India Lord Lytton as Viceroy who immediately on arrival in this country began to check the growth of national sentiments. His chief reactionary step in this direction was to gag the Vernacular Press which had begun to play a prominent part in spreading the cult

of Indian Nationalism. Under his Viceroyalty, the Imperial Legislative Council (which was then a body of officials and Government nominees) passed the Vernacular Press Act in 1878 which aroused feelings throughout the country in favour of strengthening nationalism in order to preserve the liberty of the Press. Incessant agitation was carried on for the repeal of the Act; the success of the early nationalist movement may be judged from the fact that Lord Lytton's successor, Lord Ripon, repealed the Act in order to allay public opinion in the country. Lord Ripon reversed the policy of Lord Lytton in the actual spirit of the administration, and he conferred upon India the inestimable boon of Local Self-Government, which, in course of time, proved to be the first step in India's fight for National Self-Government. And the demand for larger share by Indians in the governance of their country then became more definite, determined and incessant.

Indian National Congress—At that time, the desires of the people were expressed to the Government not in the form of demands but in the form of requests or prayers and, as was natural, they were often turned down. The modest request for raising the age-limit for Indian Civil Service and holding the competitive examinations simultaneously in England and India was not granted. This, coupled with the general awakening in the country resulting from the activities of the Ram Krishna Mission and the Aryasamaj, prepared the ground for strengthening the movement of Indian Nationalism. Few would, however, believe

that the Indian National Congress which, during the last forty years, has not been looked upon with favour by the British Government in India and has since 1920 been considered a movement subversive of law and order and definitely hostile to British rule in India, was for the first time established by an Englishman, Mr. A. O. Hume, with the consent of the Marquis of Dufferin and Ava, then Governor-General of India. Mr. Hume had in 1884 conceived the idea of bringing together leading Indians to discuss social problems, once in a year, in a meeting to be presided over by the Governor of the Province in which the meeting was held. But when he placed his scheme before Lord Dufferin, the latter suggested changes so as to make the assembly a political one (not to be presided over by the Governor) to bring to the notice of the Government the defects in the administration and to suggest how it could be improved. The noble Lord thought such an organisation necessary because there was no counterpart of His Majesty's Opposition in India to point out the defects in the actual administration of the country.

Thus a conference of the Indian National Union (later named the Indian National Congress) was announced to be held at Poona from 25th to 31st December, 1885. It was to be composed of leading politicians from the various provinces. The objects of the Union were, (1) to enable all the most earnest labourers in the cause of National progress to become personally known to each other; (2) to discuss and decide upon the political operations to be un-

dertaken during the ensuing year. The hope was expressed that the Conference would, in course of time, grow into a native Parliament, to give an unanswerable reply to the assertion that Indians were unfit for representative institutions.

Unfortunately, a few days before the Conference was to meet, sporadic cases of cholera occurred at Poona, hence the venue of the Conference was changed to Bombay. Mr. Hume had already paid a visit to England and succeeded in enlisting the sympathies of Lords Dalhousie and Ripon, Sir James Caird, and Messrs. John Bright, Reid and Slagg besides other eminent Englishmen in favour of the movement. He had also organised a committee in England, which formed the nucleus of the Indian Parliamentary Committee pledged to enlist the support of members of Parliament to take interest in the affairs of India.

The first sessions of the Conference commenced at 12 noon on the 28th December, 1885, in the Hall of the Gokuldas Tejpal Sanskrit College, which had been placed at the disposal of the Reception Committee. Among those who were present were : Mr. A. O. Hume, the Hon. Mr. S. Subrahmania Aiyar, Mr. W. C. Bannerji, the Hon. Mr. K. T. Telang, Messrs Ganga Prasad Verma, P. Keshav Pillai, N. Chandravarkar, D. E. Wacha, Phirozeshah M. Mehta and many others, from all parts of the country. Mr. W. C. Bannerji was voted to the chair as the first President of the Congress. The session passed nine resolutions asking for the appointment of a Royal Commission to investigate into the administration

of the country; demanding the abolition of the India Council; asking for the inclusion of elected members in the Legislative Councils and opening of Councils in the provinces where they did not exist; asking for the holding of the I. C. S. examinations simultaneously in England and India and the raising of the age-limit for I. C. S. competition; suggesting economy in military expenditure, protesting against the annexation of Upper Burma; and the fixing of the venue of the next session at Calcutta.

"Great institutions have always had small beginnings, even as the great rivers of the world start as thin streams. At the commencement of their career and course, they progress rapidly, and, as they widen, become slower and steadier. By the confluence of their various tributaries, they are enriched as they flow on, both in volume and content. The evolution of the Indian National Congress presents the same phenomenon. It had to cut its way through mighty obstacles and, therefore, entertained modest ideals. As it gained a foothold on the affections of the people, it widened its course and absorbed into itself several collateral movements wedded to the solution of social, ethical and economic problems". This correctly describes the nature of the growth of this greatest of India's organisations.

The next two sessions of the Congress were held at Calcutta and Madras in 1886 and 1887 presided over respectively by Dadabhai Naoroji and Badruddin Tyabji. The Congress confined itself to demanding only piecemeal reforms in the administration, couched in almost prayerful language. But after passing what may be

called pious resolutions in its sessions, there was no serious attempt during the interval between one session and another either to educate the public with regard to the movement or to take effective steps to implement the programme of political reforms. Yet, it must be admitted that the annual sessions did some good to the country by concentrating public attention on urgent problems; the press performed very useful service by giving publicity to the Congress resolutions.

The Congress sent a deputation to England in 1890 to educate the British public with regard to Indian questions and plead for political and sundry reforms. The members, including Surendra Nath Banerji, made a great impression on British politicians. Then came the Parliament Act of 1892 which reformed and expanded the Legislative Councils then existing, but it did not meet most of the important demands of the Congress. In 1901, another Parliamentary statute was passed which, while further enlarging the Councils, curtailed the powers possessed by them and the rights enjoyed by the elected members before that date.

Meanwhile Lord Curzon, whose administration raised a great discontent in the country, made a secret plan of partitioning Bengal. Conferences were then held in Bengal to resist the plan, but Lord Curzon was bent upon pushing forward his scheme, and on 20th July, 1905, announcement regarding the Partition was made. This stirred up public feelings greatly. Sir Surendra Nath (then Mr.) Banerji has thus described the feelings of the people over the Partition: We felt that we had been insulted, humiliated and tricked.

We felt that the whole of our future was at stake, and that it was a deliberate blow aimed at the growing solidarity and self-consciousness of the Bengalee speaking population. Originally intended to meet administrative requirements, we felt that it had given to itself a political flavour and complexion, and, if allowed to be passed it would be fatal to our political progress and to that close union between Hindus and Mohammedans upon which the prospects of Indian advancement so largely depended. For it was openly and officially given out that Eastern Bengal and Assam was to be a Mohammedan province, and that credal distinctions were to be recognised as the basis of the policy to be adopted in the new province." The protests of the people made no effect and the Partition was declared to be a settled fact. Public opinion in India began to suspect that Lord Curzon's policy was directed towards dividing Indians into rival communal groups to harm the growing national cause, as the general body of the Muslims, under, the guidance of Sir Saiyad Ahmad Khan, had chosen to keep aloof from the Congress.

There had been a distinct change in the attitude of the Government towards the Congress: it no longer enjoyed the confidence of the rulers. Though it continued to point out defects in administration and suggest ways to improve it. *i. e.*, to perform the function of His Majesty's Opposition in India, as was envisaged by its fathers, probably in the official eyes it was going too fast or beyond reasonable limits expected by the Government.

The Partition of Bengal was finally made in October 1905; on November 18, 1905, Lord Curzon left India,

and Lord Minto succeeded him. This parting kick to Indian nationalism, given by Lord Curzon, proved a blessing in disguise. Instead of resulting in the dismemberment of Bengal into two communal provinces, it indirectly led to the closer unification of India on account of the patriotic form of the anti-partition agitation. When other channels failed to modify the Partition, the Nationalist forces combined together even more than ever before. A sober and moderate politician like the late Mr. Gokhale thus spoke of the regime of Lord Curzon, in his presidential address at the Benares session of the Congress in December 1905: "Gentlemen, how true it is that to everything there is an end ! Thus even the Viceroyalty of Lord Curzon has come to a close ! For seven long years all eyes had constantly to turn to one masterful figure in the land—now in admiration, now in astonishment, more often in anger and pain, till at last it has become difficult to realize that a change has really come. For a parallel to such an administration, we must, I think, go back to the times of Aurangzeb in the history of our own country.....I think even the most devoted admirer of Lord Curzon cannot claim that he has strengthened the foundations of British rule in India." Lord Morley himself had to remark about the legacy of Lord Curzon's rule in India in these words: "I think I am doing the noble Lord no injustice in saying that during his eminent Viceroyalty he did not accept the necessity for political concessions, but trusted to efficiency.....But splendidly successful as his work was from the point of view of efficiency, he still did leave in India a state of things

when we look back—not in consequence of his policy—not completely satisfactory, such as would have been the crowning of a brilliant career."

Distrust and flouting of public opinion, the two cardinal features of Lord Curzon's regime, inevitably resulted in the alienation of public sympathy. The two movements of Swadeshi and Boycott of British goods, were started in Bengal and then vigorously spread in the whole of India. Some youths in Bengal, losing control over their minds, took to the cult of the Bomb and the Pistol, a method of trying to change or upset the Government imported from England and European countries but definitely opposed to Indian culture, and committed political murders and dacoities. Within the Congress an extremist section arose, which wanted to speed up the demand for political progress and reforms. And in the Surat Congress of 1907, there was a definite rupture between the moderate and extremist section of the Congress. The extremists left the Congress and began their propaganda in the country. Messrs. B. G. Tilak, Lajpat Rai and Bipin Chandra Pal, from Maharashtra, the Punjab and Bengal respectively, were the pillars of the extremist party. Even though Lord Minto, the Viceroy, had publicly announced in April 1907 that he had sent home a despatch proposing political reforms on a liberal basis, there was no sign of abatement in the whirlwind of political discontent. Lord Minto tried to put down extremism and revolutionary movement by resorting to repression, by indiscriminate arrests, by deporting leaders like Lajpat Rai under regulation III of 1818, and in other ways, but this only

served to intensify the movements of extremism and anarchism. In vain did the Congress, under the leadership of the moderates, appealed to the Government for conciliatory attitude.

At this time it began to be believed that the slumbering East was slowly waking up, and so India should not lag behind in throwing off the foreign yoke. The coloured Asiatics, the Japanese, had inflicted a crushing defeat on Russia, a first class European power: this encouraged the extremists in India. About that time the Liberals came into power in England, and Lord Morley became Secretary of State for India. He tried to conciliate public opinion in India by a grant of political reforms, in part satisfaction of the Congress demands. In 1909 he brought forward his Bill containing what are now called Morley-Minto Reforms. In moving for the passage of the Bill, he thus spoke: "Neither repression on the one hand nor reform on the other could possibly be expected to cut at the root of anarchical crimes in a few weeks, but with unfaltering repression on the one hand and good faith in reform on the other we all see good reasons to hope that we shall weaken, if not destroy, these baneful forces". For a time the reforms pacified the people, but only within certain limits. The Aryasamaj too was in its own way contributing to Indian nationalism by emphasising the need of self-rule. Its founder, Dayanand, had expressed his views regarding self-government in these words. "Say what you will, the indigenous native rule is by far the best. A foreign government perfectly free from religious prejudices,

impartial towards all—the natives and the foreigners—kind, beneficent, and just to the natives like their parents though it may be, can never render the people perfectly happy." The Government began to look upon the Samaj too with suspicious eyes, with the result that the nationalists gave the Samaj still greater support.

An Era of Political Reforms.—The Morley-Minto Reforms were welcomed by the Congress, but it did not approve of the policy of the Government to divide Indians on religious lines. The Reforms created separate communal electorates and gave separate representation to Muslims, possibly to divide Indians amongst themselves. Therefore, the Congress resolution of 1908, while welcoming the Reforms placed on record "its strong sense of disapproval of the creation of separate electorates on the basis of religion" and regretted that the Regulations framed under the Act were not framed in the same liberal spirit in which Lord Morley's despatch was conceived.

In 1911, Their Majesties paid a visit to India and at the Delhi Durbar announced, among other things, annulment of the Partition of Bengal, and thus the "settled fact" of the Partition was unsettled. Lord Hardinge, then Viceroy, in his famous despatch of 25th August 1911" recommended to the Secretary of State for India the granting of further political reforms, particularly in the provinces. But subsequently, Lord Crewe, the Secretary of State for India, repudiated any suggestion of granting colonial self-government to India. On December, 11 1912, while Lord Hardinge

was being led in a state procession through the streets of Delhi, then made the capital of India, a bomb was thrown on him. This most tragical event showed that anarchism had not completely died out.

Two years later, the Great War broke out in Europe, and England threw herself into it. India was asked to join the war and contribute her share in men and money, for, as Mr. Asquith, the British Prime Minister, had declared in the House of Commons, international obligations were not to be crushed by an overpowering nation and that every nation, however small or weak had a right of free existence and was not to be left to the mercy of a powerful and strogner nation. This statement indirectly led Indians to believe that on the termination of the War, to the prosecution of which they contributed so largely in men and money, India would be granted self-government on the same lines as the self-governing dominions. In order to prepare themselves for the much expected political rights and responsibility, Indian leaders of all shades of opinion united together, and in the Congress session held at Lucknow in December 1919, the moderates and extremists healed the schism created at Poona in 1907. Mr. Tilak, the acknowledged leader of the extremists, made a brilliant appeal for unity.

By a previous arrangement between the Congress and the Muslim leaders, the annual session of the Muslim League was also held at Lucknow at the same time as the Congress. Mr. Mohammad Ali Jinnah was the president of the League. Important leaders of the Congress and the League sat together and evolved a

common formula for bringing about Hind-Muslim unity. The pact gave the Muslims weightage of representation in the provinces where they were in a minority. This *Lucknow Pact* became at that time the binding force between the Hindus and the Muslims, though later on it proved a stumbling block in India's march towards political freedom. The joint demands of the two communities were included in a scheme of reforms which asked for enlargement of the legislatures, responsibility of the executive to the legislature, the appointment of Indians to half the seats on the executive councils, relaxation of the control of the Secretary of State for India over the administration of this country, and the abolition of the India Council.

On August 20, 1917, Mr. E. S. Montagu, the then Secretary of State for India, made a most memorable pronouncement on behalf of the British Government, in the House of Commons. It stated: "The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire". Later, Mr. Montagu came to India and with Lord Chelmsford, then Viceroy, toured the country and they both submitted their Joint Report on the question of granting political reforms to India. Meanwhile great changes had taken place in the world. The War had come to a close; India had been admitted to the Imperial Conference and also allowed to be represented in the Peace Treaty negotiations.

The publication of the Montagu-Chelmsford Report did not satisfy the Indian leaders, as the proposed reforms fell far short of their expectations and did not come to the level of Indians' sacrifices during the War. The Congress rejected the report but the moderates in it accepted the scheme as a workable one. These moderate politicians then left the Congress and formed the *All India Liberal Federation*. In the interval, the Government passed with the help of the official majority in the Supreme Legislative Council the notorious Sedition Bills, called Rowlatt Bills, against the unanimous opposition of Indians throughout the country. This utter disregard of public opinion by the Government created public resentment against the British Government. At a special session of the Congress held at Calcutta, Mr. Gandhi moved his famous resolution rejecting the reforms contained in the Act of 1919, and setting before the country his scheme of complete non-cooperation with the Government, including the triple boycott of legislatures, courts, and schools and colleges.

The passing of the Sedition Acts had already created a wave of discontent in the country and led to most tragic events in the history of British rule in India. The declaration of martial law in the Punjab, the unnecessary and without warning firing on innocent men, women and children in the Jallianwala Bagh at Amritsar, and the various ignominies heaped on the Punjab leaders, arrest of Mr. Gandhi and the firing at Delhi and other places on peaceful crowds, etc., had alienated public sympathy. The action of General Dyer in firing on the people in the Jallianwala Bagh

was condemned even by the Secretary of State for India who wrote to the Viceroy: "But he was not entitled to select for condign punishment an unarmed crowd which when he inflicted that punishment had committed no act of violence, had made no attempt to oppose him by force, and many members of which must have been unaware that they were disobeying his commandsIt is impossible to disregard an order which he passed some six days later, and which has become generally known as the 'crawling order'.....inflicted as it were upon persons who had no connection with that crime, with the object of impressing upon the public of Amritsar through the humiliations of those persons the enormity of the crime committed by certain individuals of that public; the order offended against every canon of civilised government". Though this frank statement by the Secretary of State appeased popular feelings to some extent, the country as a whole rejected the reforms which were introduced in an unpleasant and unfavourable atmosphere.

The Duke of Connaught, who came to India to inaugurate the reformed legislature at Delhi on behalf of His Majesty, made the following appeal:—

"Since I landed, I have felt around me bitterness and estrangement between those who have been and should be friends. The shadow of Amritsar has lengthened over the fair face of India. I know how deep is the concern felt by his Majesty the King-Emperor at the terrible chapter of events in the Punjab. No one can deplore those events more intensely than I do myself.

"I have reached a time of life when I most desire to heal wounds, and to unite those who have been disunited. In what must be, I fear, my last visit to the India I love so well, here in the new capital inaugurating a new constitution, I am moved to make you a personal appeal, put in simple words that come from my heart, not to be coldly and critically interpreted.

"My experience tells me that misunderstandings usually mean mistakes on either side. As an old friend of India, I appeal to you all, British and Indians, to bury along with the dead past the mistakes and misunderstandings of the past, to forgive where you have to forgive, and to join hands and to work together to realize the hopes that arise from today".

But this appeal, couched as it was in the most conciliatory words failed to evoke a general response from the people, and the Congress vigorously carried forward its programme of Non-Cooperation. The Muslims, as a general body, joined the movement because Mr. Gandhi had wisely included in his demands the restoration of the *Khilafat* which the British Government had set aside after the defeat of Turkey in the War. Thus the first elections to the legislatures under the reforms did not find favour with the electorate as the Congress had stood for boycott of legislatures. The total percentage of votes cast for the various provincial legislatures was very low, as the figures show: Madras 24.3 per cent. Bombay 29.9. Bengal 28.77. United Provinces 24.7, the Punjab 25.8. Bihar and Orissa 30.1, Central Provinces 8.0, and Assam 16.4.

Thus the Reforms started their career under most unfavourable and distressing circumstances. Yet the ministries tried to serve the country as best they could. Within a couple of years, a new party arose within the Congress, formed by the late Messrs C. R. Das and Motilal Nehru. It was named the Swarajist Party. While agreeing with the Congress in all its aims and ideals, the Swarajists thought of entering the legislatures and obstructing the administration from inside the administrative machinery. They came to be called the Pro-Changers, while the Congressites who still believed in the boycott of councils were called the No-Changers.

Congressites inside the Legislatures.—Between 1920 and 1923, the Non-Cooperation Movement had stirred India from one end to the other. Repression by the Government and Civil-Disobedience by the Congressites brought the two into clash. Almost all the important leaders of the Congress were jailed for disobeying laws. Mahatma Gandhi, the father of the Movement, was sentenced to six years' imprisonment for exciting disaffection against the Government. For a time it appeared that the whole administration would fall. Thousands of villagers willingly suffered imprisonment and, in reality, this punishment came to be looked upon as a service to the country.

But the Chauri-Chaura tragedy—the burning of the police station of that place and atrocities on the police officials committed by the people—led to a change in the policy of the Mahatma who had been released before serving his full term of imprisonment. He withdrew the Civil Disobedience Movement, saying

that he had committed a 'Himalayan Blunder' in believing that the people were prepared for carrying to the end the movement with perfect non-violence. These facts had created an atmosphere for the success of the Swarajist Party.

In 1932 fresh elections to the Central and Provincial legislatures took place. The Swarajists were returned in large numbers to all of them. In Bengal and the Central Provinces, especially in the latter, their strength was enough to bring about a deadlock in the administration. The Governors were, therefore, forced to take over the administration into their own hands.

In the Indian Legislative Assembly the strength of the Opposition was enough to elect Mr. V. J. Patal (an important leader of the Congress) to the Speakership of the Assembly. Pandit Motilal Nehru led the Opposition. In 1924, the Assembly carried his resolution asking the Government to call a Round Table Conference to frame a new constitution. The Government did not respond to the resolution, thinking that non-cooperation had fizzled out, and it had no immediate fear of a general discontent in the country. It, however, appointed a Committee presided over by Sir Alexander Muddiman, called the Muddiman Committee, to examine the working of the reforms of 1919 and to suggest ways in which the administration might be improved without an amendment of the Act. The Report of this Committee did not find acceptance by the leaders of public opinion. Meanwhile, the Congress carried on intensive propaganda in the country by enrolling large numbers as its members and raising a fund (Tilak Swaraj Fund)

of a crore of rupees. The death of Mr. C. R. Das in 1925 considerably weakened the Swarajist Party.

The Swarajists contested the elections of 1926 but they were returned in very poor numbers on account of the Hindu Mahasabha having opposed the Congress in the general elections. Lord Birkenhead, the Secretary of State for India, succeeded in getting the Act of 1919 amended so as to allow the appointment of a Parliamentary Commission to examine the working of the Reforms before the expiry of ten years as originally contemplated in the Act.

The Simon Commission.—Thereafter the British Parliament appointed a Statutory Commission consisting of seven members of Parliament and without any Indian on it. This was the first Royal Commission appointed during recent times without an Indian member. This raised a storm of protest against the exclusion of Indians, but the Government would not yield. Lord Birkenhead even threw out a challenge to the leaders in India to agree to a constitution and submit it to Parliament for consideration. His argument was that as the various communities in India were hopelessly divided it was futile to include Indians

The whole of India resolved to boycott the Simon Commission as it was an insult to the country to exclude Indians from it. In fact, the country had never before been so united on any particular political question as on the boycott of the Commission. The tour of the Commission in the country was an occasion for outburst of public indignation. Everywhere it was received with black flags, cries of 'Simon go back' general *hartal* and protest meetings. The police tried to stem the tide of public anger by *lathi* charges and wholesale arrests. At Lahore, Lala Lajpat Raj, the acknowledged leader of the whole of the Punjab, received *lathi* blows, which later led to commission of violent crimes by certain youths and their consequent sufferings. The Commission visited India twice in the spring of 1928 and winter of 1928-29, and submitted its report in May-June 1930. In the meanwhile, Mahatma Gandhi had again advised the Congress to start non-cooperation and civil disobedience. All leaders were, therefore, put into jails, and at one time the number of political prisoners exceeded seventy thousand.

On November 1, 1929, Lord Irwin, the Viceroy, who had visited England to consult with the British Government on the situation in India, made an important announcement from Delhi, stating therein that the goal of His Majesty's Government was to give India 'Dominion Status'. Effort was then made to bring about a settlement between the Government and the Congress, but the prolonged talk between the Viceroy, and Pandit Motilal Nehru and Mahatma

Gandhi did not bear fruit. The Congress met at Lahore in the Christmas week of 1929, under the presidentship of Pandit Jawahar Lal Nehru. Just at midnight of 31st December, Pt. Motilal Nehru unfurled the flag of India's independence as a sequence to the resolution of complete independence for India passed by the Congress.

Events took a definite turn towards extremism. But Lord Irwin tried his best to restore peace and normal conditions in the country. The first session of the Round Table Conference, convened by the British Government, to discuss the future constitution of India, was held in London in the autumn of 1930. It was boycotted by the Congress. The death of Pandit Motilal Nehru created a great gap in the Congress camp.

Ultimately, Lord Irwin realised the necessity of coming to terms with the Congress, and so the Gandhi-Irwin Pact was brought about. All political prisoners were released. The Government conceded several demands of the Congress regarding salt law, picketing, etc. And the way was paved for Congress cooperation with the Round Table Conference. Ultimately, Mahatma Gandhi, Pandit Madan Mohan Malaviya and Mrs. Sarojini Naidu were persuaded by Lord Irwin to proceed to England as delegates to the Second Round Table Conference to represent the Congress view-point. Mahatma Gandhi presented the views of the Congress to the Round Table Conference and claimed for himself the position of the real representative of the Indian masses. Needless to say that the British Government did not agree with the views of the Mahatma, and

Congress cooperation with the British delegates to evolve an agreed constitution for India came to an end. Complete deadlock was reached when Mahatma Gandhi demanded recognition of full Dominion Status for India under the terms of the Statute of Westminster, and opposed the division of Hindus into depressed classes and high castes for purposes of representation in the legislatures. In the meanwhile events in India took a different turn and both the Congress and the Government charged each other with breach of the Gandhi-Irwin Pact.

Government of India Act, 1935, and the Congress,

So the Congress delegates returned from the Round Table Conference disappointed; they landed in India in an atmosphere of distrust and the impending quarrel between the nationalist forces and the Government. Arrests and imprisonment of leaders began again, and soon Mahatma Gandhi too found himself in jail. The announcement of the Communal Award by the British Premier at a time when efforts were being made to bring about communal unity further aggravated the situation. Mahatma Gandhi started a fast unto death unless the British Government changed that portion of the Award which separated the depressed classes from the Hindu fold. This fast in the Yerwada jail attracted the attention of the country, and all over India efforts were made to bring about an honourable settlement between the depressed classes and other Hindus. This led to the signing of the famous Poona Pact, its acceptance by the British Government, and the consequent change of the Award and Mahatma Gandhi's release.

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various vicissitudes, now liked by the Government and then declared an illegal organisation, till it has come to occupy the position it does today.

The nationalist movement has produced a general awakening in the country. It has created a love for everything Indian, culture, art, history, literature, institutions, mode of life, etc. The spirit of *swadeshi* has permeated all spheres of life, giving impetus to manufactures and industry. In short, the national revival has gained great momentum.

Our educational institutions now freely teach patriotism through books, songs and general teaching. This has led to the rise of the youth movement in India, which aims at organising the youths in an association in order to make them greater patriots, ready to shoulder the responsibilities of governing the country.

The women of India, too, have not been slow in taking up the cause of the country. They have organised themselves in national associations for the service of the country. Hundreds of them gladly went to jail during the non-co-operation days and suffered along with their brethren.

For a long time past the old social order of India had degenerated, so much so that quite a large percentage of the poorer classes were practically debarred from participation in higher and nobler works. The nationalist movement has eradicated the evil and promised a better world to the so-called depressed classes.

A net-work of institutions for the service of orphans, widows and the destitute have been opened throughout the country.

People are evincing greater interest day by day in serving their countrymen and women in all ways that are open to them. All this augurs well for the future of the country, which depends largely upon the children of today who will be called upon tomorrow to discharge the responsibility of governing India for the benefit of Indians. They can best accomplish their task if they imbibe from now a true civic sense without which they cannot hope to become good citizens.

The Youth Movement in India—While fighting for the political freedom of their country, leaders of public opinion in India did not fail to look to the training of the youths who would be in their turn called upon to carry on the work of national regeneration. Consequently, the youth movement was started with its branches in the various parts of the country. It aims at making the youths of India staunch patriots ready to make sacrifices for the freedom and service of their country. As an adjunct to this movement, students in all provinces have organised themselves. They hold Provincial and All India Conferences of their association to improve their condition, and to work for the general uplift of their Motherland. As a result of this movement most of the evils formerly dividing society on artificial lines are now being gradually eradicated.

Indian Women's Movement.—As stated above, the women-folk of India took an active part in the political movement during the last quarter of a century, which became greater at the time of the non-co-operation movement in India. The women of India started the Indian Women's Association in July 1917, at Madras.

their factories, if for no other purposes then at least to protect themselves from the attacks of their neighbours who had no peaceful intentions. Even then there was no concerted plan of action between their three branches at Madras, Bombay and Calcutta. Each factory, under its own president or governor followed its own policy. The circumstances of each part of India were different and the Company had to fight against their different neighbours at different times and in different ways. Want of rapid means of communication and the interception of vast unfriendly tracts made it increasingly difficult for the three central factories to think out and act upon a definite plan of action or campaign.

It was on, the 23rd of June 1757, that Clive, after routing the forces of Nawab Siraj-nd-doulah, laid the foundation of the Company's territorial Empire in India. The victory of Plassey gave the Company virtual control over the Nawab of Bengal. By becoming Nawab-makers for a little less than a decade the Bengal branch of the company acquired decisively a very important position not only in Bengal but in the whole of India. The next few years were not free from trouble, till the battle of Buxar (1764) strengthened the foundation laid at Plassey, for the English defeated, among others, the Shahzada or the Moghal Prince and thus, gained victory over the then tottering Empire of Delhi. The treaty of Allahabad concluded in 1765, had for the first time, by the grant of the Diwani of Bengal and the adjoining Provinces to the Company, recognised it as a territorial power. Even after this event the Directors, desirous of a lucrative trade, had

formulated no plan of government for their Indian possessions. But Clive had perceived the potentialities of the Company's decisively strong position, and his correspondence reveals his far-sightedness in dreaming of a vast British Indian Empire in the future.

The Moghal Emperor Shah Alam bestowed upon the Company the Diwani of the three provinces. The Royal Firman concluded with the words, "It is requisite that our royal descendants, the Viziers, the bestowers of dignity, the Omrahs, high in rank, the great-officers, the Muttaseddees of the Dewanny, the managers of the business of the *sultanut*, the Jagirdars and Croories, as well the future as the present, using their constant endeavour for the establishment of this our royal command, leave the said office in possession of the said Company, from generation to generation, for ever and ever". But the Emperor considered the Company as his faithful servants and sincere well-wishers and did not recognise them as a sovereign power as the contents of the Zimmun granting the Diwani show. "Agreeably to the paper which has received our sign manual, our royal commands are issued, that in consideration of the attachment and services of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English company, we have granted them the Dewanny of the Provinces of Bengal, Behar, and Orissa." These transactions between the Emperor and the Company related only to the three provinces named; while Bombay and Madras branches of the Company were still independent

of any control by any other branch in their own spheres. This inevitably gave rise to the growth of three distinct provinces between which there was not much of a common and definite plan, the president of each still retaining the right of directly corresponding with England.

Even so late as 1773, the Company's Governor in Bengal complained (November 11, 1773) of the want of suitable political instrument to conduct the affairs of the territorial possessions of the Company in India. He wrote to the directors; "The extent of Bengal, with its possible resources, are equal to those of most states in Europe. Its difficulties are greater than those of any, because it wants both an established form and the powers of government, deriving its actual support from the unremitting labour and personal exertion of individuals in power instead of the vital influence which flows through the channels of a regular constitution, and imperceptibly animates every part of it. Our constitution is nowhere to be traced but in ancient charters which were framed for the jurisdiction of your trading settlements, the sales or your exports and the provision of your annual investment. I need not observe how incompetent these must prove for the government of a great kingdom, and for the preservation of its riches from private violence and embezzlement."

Another point worth mentioning in this place is that upto 1773, the British Government in England had little or nothing to do with the Company's territorial acquisitions in India. It is true that by

clauses II and III of East India Company Act of 1767, the English Government recognised the Company's claims to these possessions and the Company made a periodical settlement for the payment of £ 4,000/- per annum into His Majesty's Exchequer in London for His Majesty's use. But apart from this there was no interference by Parliament in the affairs of the Company's Indian possessions.

The period 1765-1773 was marked by a tremendous activity on the part of the Company's servants in the field of carrying on private trade for their individual benefit, much to the loss of the Company's trade as well as that of the Indian merchants. Consequently the Company's trade deteriorated and its finances fell into a bad state, culminating in the necessity of raising a loan in England. This gave Parliament the right opportunity to interfere in the administration of the Company's territorial possessions in India. As a condition precedent to granting the Company the necessary permission to rise a loan, Parliament passed the Regulating Act of 1773, for the better management of the Company's affairs in India. This Act provided for the correction of evils which had made the Company's administration notorious. The most important clauses of the Act were VII-IX. These appointed a Governor-General and a Council of four members for the administration of the Presidency of Fort William in Bengal; gave the majority in the council the final voice; curtailed the independence of the three factories at Madras, Bombay and Bencoolen, over which the Governor-General in Council was given full authority.

A Supreme Court was established at Fort William to try all cases in which British Subjects were involved.

Another important provision of this Act from the constitutional point of view was that the Governor-General was to transmit to the Court of Directors of the Company a complete and full account of the transactions and relations of the Company in India. And to give Parliament a right to know all these transactions the Act provided that "the Court of Directors of the said Company, or their successors shall, and they are hereby directed and required, from time to time, before expiration of fourteen days after receiving any such letters or advices, to give in and deliver unto the High Treasurer, or Commissioners of His Majesty's Treasury for the time being, a true and exact copy of such parts of the said letters or advices as shall any way relate to management of the revenues of the said Company; and in the like manner to give in and deliver to one of His Majesty's principal Secretaries of State for the time being a true and exact copy of all such parts of the said letters or advices as shall any way relate to the civil or military affairs and government of the said Company; all such copies shall be signed by two or more of the Directors of the said Company."

But even the passing of this Act did not smoothen matters until the ministry of Pitt passed another Parliamentary Act, called the Pitt's India Act of 1784. Among the objects and purposes of the Act it was declared that it was passed "For the better government and security of the territorial possessions of this kingdom in the East Indies....." It is here for the first

time that one find Parliament owing the Company's Indian territories as those of the United Kingdom. The Act constituted a Board of Control of six members nominated by His Majesty for conducting in England the governmental affairs of India, and for the first time one of His Majesty's principal Secretaries of State and the Chancellor of the Exchequer were to be two of the six members, thus giving Parliament a substantial control in the civil and Military affairs of the Company. In case of disagreement between the Court of Directors and the Board as to whether a particular matter fell within the civil and military affairs, the Act empowered His Majesty to have the final Say (Clause XIV). Clause XXII authorised His Majesty to recall a Governor-General. But the most important provision of the Act was contained in the clause XXXI which declared that "the Governor-General and Council of Fort William aforesaid will have power and authority to superintend, control and direct the several presidencies and governments now or hereafter to be erected or established in the East Indies by the said United Company, in all such points as relate to any transaction with the country powers, or to war or peace or to the application of revenues or forces of such presidencies and settlements in time of war or any such point as shall, from time to time, be specially referred by the Court of Directors of the said Company to their superintendence and control." This Act clearly vested certain powers in the central Indian government over the various governments of the presidencies and this was a necessary corollary of what had already been

India Joint Stock which could be purchased by any body in the open market; thus Parliament made further encroachment upon the ruling powers of the Company. Secondly, the Governor-General was released from the additional embarrassing work of administering the presidency of Bengal for which work a separate Lieutenant-Governor was appointed. This was a very conspicuous change from the view point of the development of a separate and a strong central government over the whole of the Company's possessions in India. Thirdly, the Supreme Council in Bengal was made the legislative council of India with increased number of members. The Company also gave up all the pretences of being faithful servants or well-wishers of the Emperor at Delhi, and now assumed full sovereign powers, recognising in 1856 the King's Grandson as his heir apparent "only on condition that he should quit the palace in Delhi in order to reside in the palace at the Qutub; and, that he should as King, receive the Governor-General of India at all times on terms of perfect equality."

This arrangement lasted for less than five years when the Indian Mutiny broke out. Towards the close of this tremendous revolution, while its ashes were still smouldering, Her Majesty's Government definitely decided to put an end to the rule of the Company and to transfer the responsibility of administering the British possessions in India to Parliament, whereupon the Company sent a petition to Parliament protesting against this measure. The Directors, although they admitted that it was "manifestly improper that the

administration of any British possession should be independent of the general government of the Empire," maintained that Parliament might acquire further control but should not entirely abolish the East India Company who had "at their own expense and by the agency of their own civil and military servants, originally acquired for this country its magnificent Empire in the East."

End of the East India Company.—On 12th February 1858, Viscount Palmerston ignoring the remonstrances of the Directors of the Company, introduced into Parliament his Bill for transferring the government of India from the Company to the Crown "not on the ground of any delinquency on the part of the Company, but on the ground of inconvenience and injurious character of the existing arrangements."

The Act abolished once for all the rule of the Company in India. For full one century, *i. e.*, 1757-1857, the Company had exercised ruling power in India and had, by progressive steps, acquired for Britain her vast Empire in the East. Such a phenomenon was unknown and unparalleled in the history of the world. As Palmerston had stated, "The original settlers began with a factory, the factory grew into a fort, the fort expanded into a district, and the district into a province, and then came collisions with less civilised neighbours, injuries to be resented, attacks to be repelled, and conflicts which always ended in victory, and extension of territory. So, gradually, from one transaction to another grew up that state of things in which the East India Company found itself invested with the vast commercial

and impartially admitted to offices in our services, the duties of which they may be qualified by their education, ability and integrity duly to discharge."

"Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in anywise favoured, none molested or disquieted by reason of their religious faith or observances but that all shall alike enjoy the equal and impartial protection of the Law."

"We know, and respect, the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors; and we desire to protect them in all rights connected therewith, subject to the equitable demands of the state; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, customs of India."

"When by the blessing of Providence, internal security shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer its government for the benefit of all our subjects resident therein. In their prosperity will be our strength; in their contentment our security; and in their gratitude our best reward. And may the God of all

power grant to us, and to those in authority under us strength to carry out these our wishes for the good of our people."

Thereafter all revenues of India were to be received in the name of the Queen who was also empowered to make all appointments of Governor-General, Governors, and Advocate General, while the Lieutenant Governors were to be appointed by the Governor-General.

The Secretary of State for India could over-rule the majority of his Council in a few matters only (Section XXV of the Act). Other important changes made by the Act were :—

- (i) The expenditure of the revenues of India was made subject to the control of the Secretary of State in Council, a majority prevailing in case of difference of opinion.
- (ii) The Secretary of State in Council could sue or be sued in the behalf of Her Majesty as a corporate body.
- (iii) All treaties made by the Company were binding on Her Majesty and all contracts, covenants, liabilities, and engagements of the Company made incurred, or entered into before the Commencement of the Act were to be enforced by and against the Secretary of State in Council in like manner and in the same Courts as they might have been by and against the Company if the Act had not been passed.

To complete the system of administration in accordance with Her Majesty's intention a Bill was moved in the House of Commons by Sir Charles Wood on 1 June

6, 1861, which after having been passed and assented to by the Queen became the Government of India Act 1861. Till then the legislative power was entirely centralised in the Governor-General and his Council with an additional law member who could sit and speak in the Council but not vote. The presidencies of Madras and Bombay had been deprived of their legislative power in 1833 but now (1861) it was felt that the executive alone, even with the assistance of the law member, was unable to perform the increased duties which were created by the extension of territory. Therefore the Act of 1861, while creating an enlarged legislature by adding a certain number of 'additional members' to the Executive Council of the Governor-General to legislate for the whole of India, restored to the presidencies of Madras and Bombay legislative powers which they had enjoyed as long as they were treated as Regulation Provinces. It also empowered the Governor-General to create, by Proclamation, legislative councils for the North-West Provinces and the Punjab, whenever he should deem it proper. He was further authorised to create new provinces out of the old ones that had been formed haphazardly for purposes of administrative efficiency, and to give them also legislative councils after obtaining Her Majesty's sanction.

As to the composition of the legislative councils, the Governor-General and the Governors were authorised to nominate to their councils respectively a certain number of non-official members, either Britishers or Indians, who were to retain their seats for two years.

The principle on which the legislative council of the Governor-General and Governor of the Presidency of Fort William, on the one hand, and the legislative councils of the Governors and Lieutenant Governors, on the other hand, were assigned their legislative jurisdiction, was made abundantly clear by Sir Charles Wood in his speech in Parliament. He said, "I propose to restore, I may say, to the Presidencies of Madras and Bombay the power of passing laws and enactments on local subjects within territories.....It is obviously necessary that these bodies should not be empowered to legislate on subjects which I may call of Indian rather than of local importance. The Indian debt, the customs of the country, the army of India, and other matters,.....belong to a class of subjects which the local legislatures will be prohibited from entering upon without the sanction of the Governor-General.....It is clear that the public work may be better dealt with by local bodies than by a central authority; but as each district might be disposed to repudiate liability to maintain its share of the army, on the ground that it would not be first exposed to danger, and as it is highly desirable that the distribution of troops should be in the hands of the central authority, I think that the army, among others, is a subject which should be left to the General Council."

Section 43 further restricted the powers of the local legislatures by providing that they could not enact laws or make regulations, without first obtaining the sanction of the Governor-General, on any subjects:—

- (1) Affecting the Public Debt in India, or the Customs Duties or any other tax or duty

in force and imposed by the authority of the Government of India for the general purposes of such Government:

- (2) Regulating any of the current coin, or the issue of any bills, notes or other paper currency;
- (3) Regulating the conveyance of letters by the Post Office or messages by the electric telegraph within the Presidency;
- (4) Altering in any way the Penal Code of India, as established by Act of the Governor-General in Council, No. 42 of 1860.
- (5) Affecting the religion or religious rites and usages of any class of Her Majesty's subjects in India;
- (6) Affecting the discipline or maintenance of any part of Her Majesty's military or naval forces;
- (7) Regulating patents or copyright;
- (8) Affecting the relations of the Government with foreign princes or states.

There were two more restrictions placed upon the powers of the local legislatures to be created by the Governor-General. Firstly, all laws passed by them were to receive the Governor-General's assent who could reserve any of them for Her Majesty's assent. Secondly, in financial affairs they were all very much handicapped as their budgets were to be submitted to the Governor-General in Council who was in his turn dependent upon the Secretary of State in council.

The powers of the Governor-General and his Council were also restricted inasmuch as the laws passed by them were to receive Her Majesty's assent and could be

annulled there. This was found necessary because the Government of India was merely a subordinate branch of the Home Government. Though in theory the restrictions seem great, in actual practice much latitude was granted to the Government of India.

As regards financial arrangements, the Government of India continued its hold on revenues till Lord Mayo formulated a scheme which was published in the Government of India Resolution of December 14, 1870. According to it the provinces had to administer the departments of Jail, Police, Registration, Education, and Medical, for which they were given a lump sum grant of Rs. 4,68,71,110 per year, besides all income they derived from these departments. In 1877 Lord Lytton transferred to the provinces the administration of Law and Justice, Land Revenue, Stamps, Excise, Stationery and Printing, and General Administration. To meet the increased expenditure they were allowed a share in the revenues derived from excise, stamps, license-tax, law and justice fees, and the income derived from minor railway.

For full three decades the Act of 1861 was the Statute Law of India. But during this period great changes had taken place. The Indian National Congress had been established and several private societies had spread general awakening in the country. Therefore, the Indian Councils Act of 1892 was passed by Parliament. The object of the Act was explained in the House of Commons by George Nathaniel Curzon, while moving the Bill containing the provisions of the Act, as being "to expand the functions of the Government in India; to give

further opportunities than at present exist to the non-official and native elements in society to take part in the work of government, and in this way to lend official recognition to that remarkable development both of political interest and political capacity which has been visible among the higher classes of Indian society since the government of India was taken over by the Crown in 1858."

The Act of 1892 gave very general powers to the Governor-General, Governors and Lieutenant Governors to increase the number of non-official members in their legislative councils within certain specified limits (Section 1 clauses 1 and 2). Clause 3 of Section 1 provided: "Any person resident in India may be nominated an additional member of the Council under sections ten and twenty-nine of the Indian Councils Act 1861, and this Act, or a member of the Council of the Lieutenant Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations have been or are hereafter extended or made applicable." That is to say, not only there was room for the nomination of Indians to the various legislatures but also there was provision for election of these members if the heads of provinces cared to do so, and the words of the Act were intentionally left vague so that these heads might interpret them in their own way (clause 4 of Section 1). But the most important provision from the non-official point of view was Section 2 which authorised a general discussion of the budget (of course there could be no voting of demands).

lyet) and also gave the non-official members the right, invaluable as it was, of interpellating the Government.

Later, the administration of Lord Curzon created great discontent in India, which in Bengal took the form of revolutionary crimes. It was partly to pacify the Indian public that the British Government decided to give political reforms to Indians.

Morley-Minto Reforms and Lessons in Self-Rule.— Lord Morley was then the Secretary of State for India, and Lord Minto was the Viceroy of India. Both recognised the necessity of a liberal administration in India and therefore got the Reforms of 1909 (called after their names) passed. Lord Chelmsford and Mr. Montagu discussing the character of the Morley-Minto Reforms said that they were "essentially of an evolutionary character; they were a natural extension of the previously existing system...but in any case they cannot justly be described as embodying any new policy; the change was one of degree and not of kind." There was increase of representation without the grant of any responsibility to Indians. Still, at the time of their introduction they were thankfully received, and even the Indian National Congress, though it protested against the Regulations framed for carrying them out, welcomed the reforms in a resolution which stated: "That this Congress desires to give expression to the deep and general satisfaction with which the Reform proposals formulated in Lord Morley's despatch have been received throughout the country."

According to these Reforms the provincial legislatures and the Supreme Legislative Council of India

were enlarged. The former was to contain a non-official majority, though this majority included the nominated members also on whom the Government could safely rely in time of need and thus convert the non-official majority into a minority. Another change was the reservation of one seat for an Indian on the Executive Council of the Viceroy. The first Indian appointed to that post was Sir Satyendra Prasanna Sinha (later Lord Sinha of Raipur) who was given the portfolio of Law. Similar provision was made for the inclusion of an Indian in the executive councils of the provinces wherever such councils existed.

Although the powers of the legislatures were increased by empowering the members to discuss matters of public interest by the appointment of non official Indians on financial advisory committees (to which had been assigned insignificant matters and a small sum of money) and by the latters' eligibility to freely express their opinions, still these changes did not materially alter the spirit of the pre-reform system of administration. The decisions of the councils were only advisory and in no way binding upon the executive which really governed as it liked. The control of the Secretary of State for India was not at all relaxed, nor did the Government of India lose its firm hold on the provincial administrations. The Provincial Governments were further handicapped in their work by not being allowed any financial autonomy. They chafed under the then existing arrangement which had made them entirely dependent upon the doles paid to them out of the common treasury by the Government.

of India who firmly held the purse strings and did not allow the provinces that freedom in financial matter which is so vital to the healthful growth of a people. Even the recommendations of the Decentralisation Commission did not bring any financial relief or power to the provinces.

Lord Hardinge, Viceroy of India (November 1910—April 1916) won popular sympathies over to his side by sending his famous despatch of 25th August 1911, in which he stated that "the only possible solution of the difficulty would appear to be gradually to give the provinces a larger measure of self-government, until at last India would consist of a number of administrations autonomous in all provincial affairs, with the Government of India restricting their functions to matters of Imperial concern."

The Great War gave India an opportunity to show her value to the Empire, and in recognition of her sacrifices for the Imperial cause, Mr. E. S. Montagu, the then Secretary of State for India made his memorable pronouncement of August 20, 1917. As a result thereof, the Reforms of 1919 were introduced to change the system of government in India.

On the Road to Responsible Government—The new policy contained in the Reforms of 1919 (Government of India Act 1919) bound England to lead India on the road to responsible government, and a practical step was taken immediately. There were three salient features of the reforms. Firstly, the control of the Secretary of State for India over the administration of this vast country, lying at a distance of 6,000 miles from London.

was to a certain extent definitely relaxed and the Government of India was granted greater freedom of action. Secondly, the relations of the Government of India with the provincial governments were clearly defined by assigning particular functions of government to each, *i.e.*, by a clear-cut division of the subjects of administration into central subjects assigned to the Government of India, and provincial subjects assigned to the various provinces. This was a definite step towards the introduction of federalism in India. As a necessary corollary of this division of functions and the consequent responsibility devolving upon the provinces, certain sources of revenue were definitely made over to provincial governments. Thirdly, and this was the most important feature of the new Act, a certain measure of responsible government was introduced in the provinces. While the Government of India continued to remain as irresponsible to Indians as before, in the Provinces the subjects of administration were further divided into what were termed as "reserved subjects" and "transferred subjects" the latter forming the sphere of responsible government.

The formula enunciated by Mr. Montagu and Lord Chelmsford in their Report, for the carrying out of the new policy, had four aspects :—

(i) "There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." (p. 123 of the Report).

(ii) "The provinces are the domain in which the earliest steps towards the realization of responsible

government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative, and financial, of the government of India which is compatible with the due discharge by the latter of its own responsibilities." (p. 124 of the Report).

(iii) "The government of India must remain wholly responsible to Parliament, and saving such responsibility, its authority on essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing government increased." (Ibid. p. 124.)

(iv) "In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and provincial governments should be relaxed." (p. 125).

The political Reforms of 1919, contained in the Government of India Act 1919, were based, therefore, upon the foregoing principles.

Questions.

1. Give the outline of the political system that existed during the company's regime.
2. Briefly survey the growth of the Indian legislature from 1854 to 1909.
3. Describe the main features of the Minto-Morley reforms.

CHAPTER VIII

REFORMS OF 1919

We discuss in this chapter general features of the reforms and their working, the progress India made and the handicaps experienced in working the new political system.

The Secretary of State for India and the Indian Council.—The Act of 1919 did not contemplate any great changes beyond the sphere of provincial governments. Therefore little change was made in the powers of the Secretary of State for India and his Council. The Indian Council, for the abolition of which non-official opinion in India had long been crying, continued to exist as before with the only exception that its strength was a bit modified. Formerly, the minimum strength was 10 and maximum 14; but these numbers were now reduced to 8 and 12 respectively, of whom not less than three were to be Indians. Thus Indians were given this small opportunity of increasing association with the branch of administration conducted from England. Lord Sinha was appointed as Under-Secretary of State for India and later as Governor of Bihar and Orissa. This was the first instance of an Indian's appointment to these high offices.

Though the Parliament professed to be responsible for the administration of India, it took little interest in Indian affairs whenever they were discussed. It had become a notorious fact that these affairs were discussed towards the fag end of a parliamentary session and that too before an empty House. Ignorance of Indian affairs on the part of most members of Parliament had been admitted from time to time by some of the most responsible British statemen. Mr. Montagu and Lord Chelmsford, in their Report admitted the fact when they said: "We have no hesitation in saying, however, that the interest shown by Parliament in Indian affairs has not been well sustained or well-informed." A similar opinion was expressed by Mr. Ramsay Macdonald who wrote in 1918; "I regret that it must be admitted that Parliament has not been a just and watchful steward. I hold no great debates on Indian questions; it looks after its own responsibilities with far less care than it looked after those of the Company; its seats are empty when it has its annual saunter through the Indian budget, and even this homage of formal politeness to India was neglected during the war; it is aware of India only when it is troubled by cotton duties, or when something else arises which makes their constituencies remind members that India is a British possession."

It was, therefore, felt that unless Parliament paid the Secretary of State and his Under-Secretary out of its own money, it would not feel interested in Indian questions. This was done by the Act of 1919, and it improved matters to a certain extent. Moreover, a

The Assembly had a nominated President for the first five years, after which it elected its own President. The President of the Council of State was nominated by the Governor-General. The two chambers were given co-equal legislative powers. No measure could be finally passed unless agreed to by both Houses. In case of a conflict between the two, the Act provided that the Governor-General could convene a joint session by notification in the Gazette, but this was never done in actual practice. The Council of State could amend and pass money bills even if these were rejected by the Assembly. The decisions of the legislature were, however, only recommendatory and the Governor-General could refuse sanction to any of them. If a measure was refused by the Assembly and if the Governor-General certified it as "essential," then on his recommendation the Council of State could pass the measure. If ever the Assembly refused to agree to any measure passed by the Council of State, the Governor General, if he so chose, could certify the measure which then became law.

As regards the legislative powers of the central legislature, it could legislate for all matters called central subjects. It could make laws for all "persons, courts, places, and things within British India, for all subjects of His Majesty and servants of the Crown within other parts of India, and for all Indian subjects of His Majesty without and beyond, as well as within, British India." But before it could discuss any of the following matters, the sanction of the Governor-General was required :—

- (i) the public debt or public revenues of India or imposing any charge on the revenues of India :—
- (ii) the religion or religious rites and usages of any class of British subjects in India :
- (iii) the discipline or maintenance of any part of His Majesty's Military, Naval or Air Forces :
- (iv) the relations of the Government with foreign princes or States ;
- (v) any measure regulating any provincial subject, or any part of a provincial subject, which was not declared by the Act as subject to legislation by the Indian legislature ;
- (vi) repealing or amending any Act of a local legislature ;
- (vii) repealing or amending any Ordinance or Act made by the Governor-General.

In financial matters, although the Finance Bill was first introduced before the Assembly, the latter had no final power as any such Bill or any part thereof, rejected by the Assembly, could be certified by the Governor-General and passed by the Council of State. Moreover, the Indian budget was divided into two parts, votable and non-votable. With regard to the latter, the legislature could only debate whereas in case of the former, the Governor-General could exercise his power of certification.

The Governor-General was empowered to promulgate Ordinances for a period of six months in the first

instance, to be renewed further, should need arise; these had the force of laws before a court of law. The Governor-General either assented to a measure passed by the legislature, or refused to sign it or reserved it for His Majesty's pleasure.

With regard to the Central Executive, the most important point was that it was not at all responsible to the legislature. The central government was, therefore, vested in the Governor-General in Council. Though there was no prescribed limit to the number of members of his council, it was in practice composed of seven members each of whom held one of the portfolios which were thus arranged; Army (in charge of the Commander-in-chief); Home Affairs; Finance; Law; Commerce, including Railways; Education, Health and Lands; Industries and Labour. In addition, the Governor-General himself held the portfolio of political and foreign affairs. Each department had a number of secretaries and under-secretaries.

The members of the Executive Council of the Governor-General were appointed by warrant under the Royal Sign Manual. The Act provided that three of the Councillors must be persons who had put in at least ten years service under the Crown in India before being appointed councillors, and one of the rest must have been a barrister, or an Advocate of the Faculty of Advocates in Scotland, or a pleader of an Indian High court, of at least ten years' standing. In practice, three of the councillors were Indians. The members were not to be responsible to the legislature, that is,

they had not to resign their office on an adverse vote of the legislature. The executive council was responsible only to the British Parliament. The Simon Report thus stated its position: "The superintendence, direction, and control of the civil and military government of India are vested in the Governor-General in Council, but he is required to pay due obedience to all such orders as he may receive from the Secretary of State. In constitutional theory, therefore, the government of India is a subordinate official government under His Majesty's Government, though in actual practice this relation of agency is qualified by the extent to which (1) authority is left in the hands of the Government of India to be exercised without reference to, or orders from, the Secretary of State, and (2) influence is exerted by the Indian Legislature upon the acts and policies of Central Executive."

The Government of India was responsible for the administration of all territories not included in the Governors' provinces. This it did through the agency of Chief Commissioners or Commissioners and a large body of civil servants.

The meetings of the Executive Council of the Governor-General were presided over by him, or in his absence by such member of the Council as was appointed vice-president by him. At any meeting, the presiding officer and one other member (not being the Commander-in-chief) could form a quorum. Decisions were arrived at by majority vote. In case of a tie the Governor-General, or the presiding officer, had a second or casting

vote. But in any matter affecting the safety, tranquillity or interests of British India, the Governor-General, could override the majority decision and act on his own responsibility. Meetings of the Executive Council were held very frequently. Any member of the Council could attend and speak in the Assembly or the Council of State, but he could vote only in the Chamber of which he was nominated a member.

The Governor-General occupied, and still occupies, another position, viz., that of the Viceroy of India, as representing His Majesty in all relations with the Indian States. It is true that "under normal conditions there is no interference by the Government of India in the internal affairs of the Indian States, yet in cases of grave misgovernment or internal political trouble, when need for interference by the Suzerain Power occasionally arises, it is upon the Governor-General himself that the actual responsibility rests for initiating and carrying through such action as may be required."

The Viceroy was, and is, thus, the connecting link between the British Crown and the Indian Princes, and he presides over all sessions of the Chamber of Princes.

The Governor-General has to keep the Secretary of State informed of all matters in India, for the final responsibility for the administration of India is that of the British Parliament, and the Secretary of State mainly discharges this responsibility on behalf of Parliament. Therefore the Governor-General was required under the Act of 1919 to carry out all orders he might receive from the Secretary of State.

Mention has already been made that the Act of 1919 aimed at a division of the functions of government into central and provincial subjects. Under Devolution Rules, Schedule 1, the central subjects so defined included the following important ones:—

Defence of India, including the Army, Navy and Air Forces; External Relations; Relations with the Indian States; Political charges; Communications like Railways, extra-municipal tramways, aircraft, inland waterways; Shipping and Navigation; Light houses, beacons, etc.; Port Quarantine and Marine Hospitals; Major Ports; Poste, Telegraphs, Telephones, and Wireless; Customs and Duties, Salt Tax, Income Tax, etc.; Currency and Coinage; Public Debt of India; Savings Banks; Indian Audit Department; Civil Law; Commerce including banking and insurance; Trading Companies and Associations; Opium; Geological Survey; Petroleum and other Explosives; Minerals. Botanical Survey; Criminal Law; Arms and Ammunitions; Meteorology; Zoological Survey; Census and Statistics; Regulation of Ceremonials and Titles; Public Services Commission; All India Services; Copy-right, inventions and design; Emigration and Immigration; Territorial Changes; and all matters not included in the list of provincial subjects.

Provincial Administration and Dyarchy:—It was in the field of provincial administration that the Act of 1919 contemplated great changes, i.e., the grant of responsible government in certain matters. The Provincial subjects were divided into *Reserve subjects*,

and *Transferred subjects*. The former were placed in charge of the Governor in Council. This Council consisted of two to four executive councillors who were responsible to the Governor of the province and not to the legislature. Each councillor was appointed for the period of five years. All decisions of the provincial government in the reserved subjects emanated from the government as decisions of the Governor in Council. On the other hand, all the transferred subjects were placed in charge of Ministers appointed by the Governor from amongst the elected members of the provincial legislative council and held their office so long as they continued to enjoy the confidence of the legislature. They had to carry out the policy laid down by the legislature with regard to the subjects under their charge. All decisions of the government in relation to the transferred subjects were issued in the name of the Governor acting with his ministers. Thus the executive government of the province was divided into two parts, the one (in charge of the reserved subjects) responsible to the Governor alone, and the other (in charge of the transferred subjects) responsible to the legislature. This system was called *Dyarchy*. The object of the introduction of this system was that through the whole provincial administration was not handed over to the ministers responsible to the legislature, a beginning was made of the grant of partial responsible government to the elected representatives of the people, as an experimental measure. It was also declared that in case the experiment proved a

success, *i. e.* if the ministers discharged their duties efficiently so as to justify the extension of responsible government in all, or some more, of the reserved subjects, the British Government would extend the sphere of transferred subjects so as to grant, ultimately, full provincial responsible government with provincial autonomy.

The first important change made in the provinces was the extension of franchise and the enlargement of the legislatures. Persons holding certain educational qualifications (a high standard indeed) and those paying land revenue or rents as occupancy tenants upto a fixed limit, were granted the right to vote for elections to the provincial legislatures. The term of each provincial council was fixed at three years, but it could be dissolved earlier by the Governor, should need arise, or he could also extend the term if he thought it necessary. Each province was divided into electoral constituencies. There were rural and urban constituencies. The Muslims all over India, the Sikhs in the Punjab, the Mahrattas in Bombay, the non-Brahmans in Madras, and Commercial and Industrial interests in all provinces were given separate and fixed representation. Communal representation and separate communal electorates, and weightage representation to minority communities were granted. The Depressed Classes too were given some representation, particularly by nomination. The Muslim

representation, separate through their own electors, was based more or less on the Lucknow Pact of 1916 arrived at between the Muslim League and the Indian National Congress.

The number of members in each provincial council was considerably enlarged, and of this the elected members constituted no less than 70 per cent, while not more than 20 per cent. were to be officials. Thus a large non-official and elected majority was given to each provincial council. The remaining seats were filled by the Governor by nominating non-official members so as to give representation to special interests like labour, the Christian Community, Depressed Classes, Anglo-Indians, etc. The Act prescribed a certain minimum strength of each legislature but the actual total was a bit larger in each province. Such small increase enabled the heads of governments, i. e. the Governors to nominate persons whose presence was necessary for certain definite legislative measures. No fixed representation was given to women, but the Act enabled legislatures to enfranchise women, who could seek election in the constituencies.

The following table gives the composition of the Provincial Legislatures under the Reforms of 1919 :—

REFORMS OF 1919

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| Province | Statutory Minimum No. | Actual Total | Elected | | Nominated members | |
|-------------------|-----------------------------|-----------------|-----------|--------------------|-------------------|--------------------|
| | | | Officials | Non-offi- cials | Officials | Non-offi- cials |
| Madras | 118 | 132 | 98 | 11 | 23 | |
| Bombay | 111 | 114 | 86 | 19 | | |
| Bengal | 125 | 140 | 114 | 16 | 9 | |
| United Provinces | 118 | 123 | 100 | 17 | 10 | |
| Punjab | 83 | 94 | 71 | 15 | 6 | |
| Bihar and Orissa | 98 | 103 | 76 | 15 | 8 | |
| Central Provinces | 70 | 73 | 55 | 10 | 12 | |
| Assam | 53 | 53 | 39 | 7 | 8 | |
| Burma | 92 | 103 | 80 | 16 | 7 | |
| | | | | | | 7 |

As already said, the franchise for elections to the provincial legislatures was based on property qualifications, with the result that the bulk of the population, which is so poor and whose interests are so interwoven with the system of administration that no constitution can satisfy the people which does not seek to ameliorate their condition, were left un-enfranchised. The women were at first not given franchise at all. The percentage of the voters to the total population in the various provinces was thus : Madras 3·2; Bombay 3·9; Bengal 2·5; United Provinces 3·5; Punjab 3·4; Bihar and Orissa 1·1; Assam 3·7; Central Provinces and Berar 1·3; Burma 17·4. Another noteworthy point about the electorate was that a very large majority of it was illiterate, and hence at the mercy of the rich classes.

The elections of 1920 were boycotted by the Congress; in 1932 the Swaraj Party contested elections as also in 1926. The result was that a very small percentage of voters cast votes in the elections of 1920, but in 1923 and 1926, and thereafter generally, due to the vigorous relection campaigns of the Swarajists (Congress Party) higher percentage of voters went to the polls. The following table gives the figures for the first three elections in the various provinces :—

| Province | Percentage of votes polled in | | |
|-------------------|-------------------------------|------|------|
| | 1920 | 1923 | 1926 |
| Madras | 24·9 | 36·3 | 48·6 |
| Bombay | 16·2 | 38·4 | 39·0 |
| Bengal | 33·4 | 39·0 | 39·2 |
| United Provinces | 33·0 | 42·2 | 50·2 |
| Punjab | 32·0 | 49·3 | 52·4 |
| Bihar and Orissa | 41·0 | 52·0 | 61·0 |
| Central Provinces | 22·5 | 57·7 | 61·9 |
| Assam | 16·4 | 37·5 | 35·0 |

In the case of Burma the percentage of votes polled in the three elections of 1922, 1925 and 1928 was 6.92 16.26 and 18.0 respectively.

The members of the legislatures were not given any salary but they drew travelling and daily allowances for the days of their stay at the seat of the legislature and a few days before and after the sitting thereof. The areas of the constituencies being very large, the members could not keep sufficient contact with their electors, still they tried to make the best use of the opportunities offered them. In the elections, the landlords naturally got larger seats because of their control and influence (exercised no doubt through undue pressure) over the illiterate voters. Next come the lawyer class, intelligent and ready to take keen interest in the making of laws.

Inside the legislatures, parties were no doubt formed, and parties are absolutely necessary for working parliamentary institutions, yet most of them were neither well organised nor they had any definite political programmes to work out. In the first elections, the Liberals (new name of the old Moderates) were able to win in sufficient numbers so as to form ministries in several provinces. The Governors adopted the practice of choosing their ministers from the parties likely to get majority support in the legislature. In many provinces, like the U. P., Madras, Bombay and Bengal the first ministries adopted many useful measures. but in all these provinces too, particularly after the election of 1923, the ministries had to depend upon the support of official members and thus the Swarajists were able

money relating to a transferred subject, the rejection of the legislature was final unless the matter came within the proviso which authorised the Governor, in cases of emergency, to certify an expenditure as being necessary for "the safety of tranquility of the province or for the carrying on of *any* department." Moreover, the Governor could promulgate an Ordinance under certain specified circumstances and conditions.

The provincial executive comprised of the Governor in Council (consisting of two to four executive councillors) who administered the reserved subjects and were, therefore, free from the control of the legislature which could discuss and even criticise their policy but not force the adoption of its own views, and the Governor acting with his ministers who administered the transferred subjects subject to the control of the legislature. Thus was instituted ministerial responsibility in the provinces, but only in the field of transferred subjects. As the ministers were appointed by the Governor from amongst the elected members of the legislature, persons who could reasonably command a majority in the legislature were only appointed. The Act desired the two halves of government to work in co-operation, as far as possible, and the Governor to convene joint meetings of the ministers and executive councillors to discuss all subjects of common interest, so that ultimately the government might function, if possible, as a whole. The ministers could be driven out of office by the legislature in case their policy or administration did not meet with its approval. Though it was not specifically mentioned yet the spirit of the

Act was that the ministers should work on the well recognised principle of joint responsibility, and not individual responsibility, to the legislature. Such was the nature of the executive side of the provincial government instituted by the Act of 1919.

Failure of Dyarchy in India.—The system of dyarchy as established by the Act of 1919 was undoubtedly an experiment, as was admitted by the authors of the joint report as well as all other authorities not excluding the British Parliament. It was admitted to be not free from imperfections, yet it was considered essential as a stage in India's march towards her admitted goal of full responsible government. The British politicians had, however, expected that the experiment would prove a success by affording ample opportunities to the ministers to work the transferred subjects, which as a rule included all the departments considered to be nation-building departments, that is, those which directly concerned the immediate needs of the people, like education, health and sanitation, local self-government, industries and agriculture, etc.

There are usually three elements of ministerial responsibility, viz. the ministers are removable by the representatives of the people; they should effectively control the departments under their charge; and the legislature must have every opportunity to review and approve or disapprove of the work of ministers. It is true that the ministers were appointed by the Governor from amongst the elected members of the council, as is the case in all constitutional governments, but in the Indian provinces they remained in office, as long

as they did, not because they necessarily enjoyed the confidence of the elected members but because in each province there was the bloc of official members always at their back. It, therefore, often happened that although the elected majority of the legislatures was opposed to the ministers, they continued in office with the official support. This definitely ran counter to the elementary principles of responsible government. Secondly, even in the course of daily administration, the ministers did not, they could not, exercise effective control over their departments, because, after all, their policy had to be carried out by the services, the members of which were outside ministerial control. The services were protected either by the control of the Secretary of State or the Governor. Thus, in a way, the servants were superior to the masters. And thirdly, the ministers did not exercise effective control over their departments, because they were, in practice, treated as merely advisers to the Governor who could refuse to be guided by their advice. The legislature, therefore, with the official bloc on the Governor's side had no authority in practice to force its own views, *i. e.* the views of the majority of the elected members, on the transferred half of the government. So that in actual effect the ministers were responsible not to their constituents but to the official bloc. In short, ministerial responsibility as envisaged by the Act of 1919 proved a myth.

The system of dyarchy undoubtedly failed even as a half-successful experiment. When in 1924 the Muddiman Committee (Reforms Enquiry Committee)

submitted its report it became clear that ministers from all provinces condemned the system of complete provincial autonomy in which there was no such distinction as reserved subjects and transferred subjects, but all the provincial subjects were placed under ministers. The reasons that led the failure of dyarchy were many. Some of these may be summarised as under :—

- (1) There was no encouragement to joint deliberations between the two halves of government, *i. e.* between ministers and executive councillors, with the result that a sort of indifference, if not open hostility, between the two became apparent.
- (2) The ministers did not usually enjoy the confidence of the majority of elected members and thus being dependent for their own retention in office on official support they hesitated to formulate and put into execution beneficial schemes.
- (3) The ministers did not evolve a system of joint responsibility and this led to each one ploughing his lonely furrow.
- (4) The power exercised by the Secretary of State and the Governor over services and the legislature did not permit the ministers necessary strength and control over their departments.
- (5) As finance was a reserved subject placed in charge of an executive councillor, called finance member, who also held charge of some other reserved subjects, he looked more to the needs of his own departments in supplying funds than

to the needs of transferred departments. This actually meant that though often times certain ministers formulated beneficial schemes for the progress of the nation-building departments in their control, they could not put them into execution for lack of funds. Therefore, transferred department starved whereas the reserved departments prospered. This led to a system of administration which could not be effectively controlled by the representatives of the people.

For these reasons the system failed to give real opportunities to the ministers to exercise the powers of responsible government even in the limited field allowed them under the scheme.

Questions.

1. What were the salient features of Provincial Government according to the Government of India Act of 1919.
2. Describe carefully the main features of the constitution of the Government of India under the Act 1919.
3. State the constitution, functions and powers of the Central Legislative Assembly.
4. What do you understand by the term 'Dynarchy' ? State the causes of its failure.

CHAPTER IX

ADMINISTRATION OF INDIA

(Home, and Central Government.)

Introductory.—The Preamble to the Government of India Act 1919, had promised to India the grant of full responsible government by successive stages, the British Parliament remaining the Judge of each stage. It was in pursuance of this promise that the Statutory Commission, commonly called the Simon Commission was appointed to report on the working of the Reforms of 1919, and make recommendations with regard to the future constitution of India. As already indicated in a previous chapter, the Commission visited India twice and made its recommendations in a Report submitted to His Majesty. The British Government had appointed another Committee, presided over by Sir Harcourt Butler, to inquire into the financial relations of the Indian States with the Government of India. This Committee too submitted its report after visiting the Indian States, and made certain recommendations.

Sir John Simon had also requested His Majesty's Government to convene a Round Table Conference of the representatives of His Majesty's Government, of the Indian Princes and of the British Indian political parties to discuss the plan of the future constitution of India, because the Commission held that no constitution for India would be adequate or practical unless it brought the Indian States into close cooperation, or even in a sort of federal union, with the British India.

provinces. It was realised that the interests of British India and of the Indian States were so closely bound together that such a kind of union was absolutely necessary. In pursuance of this desire of the Commission, the British Government held three sessions of the Round Table Conference in London, between 1930 and 1932, in which all aspects of the constitutional problem were discussed and tentative decisions arrived at. On the general basis of these decisions, the British Government published a White Paper containing the proposals of the Government regarding the future constitution of India. These were discussed in England and India, and thereafter the Government referred the whole scheme to a Joint Parliamentary Committee for examining it and suggesting changes, if any. The Report of this Committee further whittled down the scheme of self-government for India by making it more reactionary than the proposals of the White Paper. Later the British Parliament discussed the Government of India Bill prepared by the Government, and passed it after making further concessions to the British reactionaries. Thus the Government of India Act 1935, was passed, based generally on the recommendations of the Simon Report and the report of the Joint Parliamentary Committee.

Main Features of the Act of 1935.—Before describing the system of government set up and proposed to be ultimately set up in India, we must understand the basic principles or features of the Act.

The Act emphasises the desirability of extending the scope of responsible government in the Provinces

by granting larger powers to the representatives of the people, by transferring all the provincial subjects, enumerated in a schedule, to the control of the ministers who are responsible to the provincial legislatures. It seeks to give full provincial autonomy. The whole of the structure of the provincial governments is discussed in the next chapter,

It accepts the need of a federal government for India including the Indian States and, therefore, makes the necessary changes and adjustments in the structure of the Central Government of India and the powers of the Secretary of State and his Council

The functions of government are divided into central subjects, *i. e.*, federal subjects, and provincial subjects. The federal subjects are those subjects in which the States will hand over their own powers to be exercised by the federal Government in British India as well as in the States that join the Federation.

It makes it optional for the Indian States to join the Federation by signing the Instruments of Accession which would contain the terms and conditions on which they join it.

It proposes to set up a system of federal government at the centre provided that the States whose population is at least half the total population of all the States and are entitled to half the seats given to all the States in the Federal Legislature accede to the Federation. A Reserve Bank is established and a Federal Court opened under this Act.

The powers of the Secretary of State for India have been modified, his control over the governments in India, central and provincial, has been considerably

relaxed. The India Council has been abolished and, in its place, the Secretary of State is empowered to appoint a number of advisers, not less than three nor more than six in number, whose advice he may accept or reject.

Consistently with the introduction of the provincial autonomy, the control of the Central Government of India over the provincial governments has also been relaxed.

Burma has been separated from India and two more provinces, *viz.*, Sind and Orissa, have been set up,

The department of Railways has been entrusted to a newly created Federal Railway Authority which is free from the control of the Central Legislature in many respects.

The All India Services remain under the control of the Secretary of State. The British Commercial Interests have been specially safeguarded. Similarly Europeans, Anglo-Indians and other communities have been secured special treatment and safe-guards.

Partial responsibility is proposed to be introduced in the federal government.

The Home Government under the Act 1935.—The British Parliament continues to be responsible for the administration of India, and for this purpose it is the Secretary of State who continues to exercise that authority, subject to the control of the British Cabinet and Parliament. The authority of the British Crown remains, as before, supreme throughout British India, and the Secretary of State for India (who is also the Secretary of State for Burma, after the latter's separation

from India) exercises that authority, on behalf of the Crown in England. In India the Crown's authority is exercised by the Governor-General in the central government, and by the Governors in their respective provinces. The relations of the Indian States with the Crown are to be exercised by the Crown or the Crown's representative on its behalf, and not by the Government of the Federation.

Before the Act of 1935, the India Council consisted of 8 to 12 members and exercised considerable powers. The new Act has dissolved the Council, as demanded by public opinion in India, and set up in its place an advisory body consisting of the advisers of the Secretary of State, numbering not less than three and not more than six, to be appointed by the Secretary of State, in order to advise him. The Secretary of State may consult his advisers whenever he chooses to do so, or he may not consult them. In order to make available to the Secretary of State the advice of persons having full knowledge of Indian conditions, it is provided that at least half of his advisers must have held office for not less than ten years under the Crown in India.

The Secretary of State may, as he chooses, consult his advisers either individually or collectively. He is, however, not bound by the advice of his advisers. But the Act lays down certain matters in which the Secretary of State *must* consult his advisers and abide by the opinion of the majority. These matters relate to the laying down of conditions of service under the Crown in India, and the control of those All India

Services which have been placed entirely under the Home Government, *i. e.*, the Secretary of State.

The salary of the Secretary of State, and of his advisers, and the remuneration of his Staff and all expenses of his department are met out of the moneys provided by Parliament. This ensures taking of interest by Parliament in the affairs of India. But such portions of the expenditure incurred by the department of the Secretary of State, as may be agreed upon between the Governor-General and the British Treasury, will be paid, by the Federation, if and when established, out of its revenues, into the British Exchequer.

The Office of the High Commissioner created by the Act of 1916, continues. His appointment, salary and conditions of service are determined by the Governor-General. The office of the High Commissioner remains in London. He performs, on behalf of the Federation, "such functions in connection with the business of the Federation, and, in particular, in relation to the making of contracts as the Governor-General may from time to time direct."

Before 1919, all work whether of a political or commercial nature was done in England by the Secretary of State for India, for and on behalf of India. But with the introduction of political reforms of 1919, it was felt desirable to give India the privilege of having her own High Commissioner in England to carry on agency work on behalf of the Government of India. Hence this new office was created, and on October 1st, 1920, the High Commissioner took over control of the purchase of Government of India stores

in England and the Indian students branch, together with the supervision of the work of the Indian Trade Commissioner. Later on, the functions and powers of the High Commissioner further developed and included, besides those enumerated above, such agency work as the payment of Civil leave allowances and pensions, recruitment of technical officers, supervision of I. C. S. and Forest probationers who are sent to England to get their training after first appointment, the making of arrangements for officers on deputation or study leave, repatriation of destitute lascars, sale of Government of India publications, etc. Thus all the work of a non-political nature, which was formerly performed by the Secretary of State for India, is now performed by a High Commissioner for India who along with his staff, is paid out of the revenues of India and is responsible to the Government of India. The staff of the Stores Department is located at the depot of the Thames in Belvedere Road, Lambeth, while the High Commissioner and the rest of the staff are at India House in London. At present the High Commissioner transacts, on behalf of the Government of India, business of millions of pounds sterling every year.

The Secretary of State for India continues to exercise general supervision over the Government of India, in the name and on behalf of the Crown.

Such is the machinery of that part of the governance of India, which is exercised from England. It may, however, be added that any changes or amendments in the Act, which affect the system of government, can be made only by the British Parliament.

Furthermore, the Act provides that His Majesty in Council may, from time to time, issue orders, called 'Orders in Council,' in connection with several matters which have not been discussed in detail in the Act, and which are necessary for either providing these details or for carrying into execution the spirit of the Act.

His Majesty in Council is empowered to hear appeals from the decisions of the Federal Court in all cases involving the interpretation of the Act, or in any other case in which permission for such appeal has been granted either by the Federal Court or by His Majesty in the exercise of this prerogative.

The Federal Government of India.—Part II of the Act, consisting of five chapters, describes the structure and functions of the machinery of the Federal Government of India. It makes it lawful for His Majesty to declare by Proclamation that from the day mentioned therein shall be united in a Federation of India, the Governors' Provinces of British India and such of the States as accede to the Federation by subscribing to the terms and conditions laid down for this kind of union either in the Instrument of Accession or in the Act. The conditions necessary to be filled up before the establishment of the Federation are that States (1) "the rulers whereof will, in accordance with the provisions contained in Part II of the First Schedule to this Act, be entitled to choose not less than fifty-two members of the Council of State and, (2) "the aggregate population whereof, ascertained in accordance with the

said provisions, amounts to at least one-half of the total population of the States as so ascertained, have acceded to the Federation."

While the Indian States were still considering the terms and form of the Instrument of Instructions which they were required to sign to authorise His Majesty, on behalf of the Princes, to enter the acceding States in the All-India Federation, and no final decision had been taken, the Great War of 1939 broke out and the work of establishing the Federation had to be postponed till after the termination of the War. Hence at present the Indian States retain their relations directly with the Crown who appoints its representative in India to carry on these relations with the Indian Princes. The Crown may appoint any person as Crown's Representative, but in practice the same person who is appointed Governor-General of India is also appointed as the Crown's Representative to deal with the Indian States.

The Federal Legislature.—According to the Act, the Federal Legislature is to consist of His Majesty, represented by the Governor-General, and two Chambers, to be known respectively as the Council of State and the House of Assembly" (generally called the Federal Assembly). The total strength of the Council of State (*i. e.* when all the States have joined the Federation) is fixed at 260, consisting of 156 representatives of British India and 104 representatives of the Indian States. The Federal Assembly is to consist of 375 members in all, 250 of British India and 125 of the Indian States. The Council of State will be a permanent body, one-third of it being renewed (by partial

renewal system) after every three years, and thus each member, after the first elections, would hold his seat for a period of nine years. "Every Federal Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly."

The 104 Members of the Council of State allotted to the States, in a manner detailed in the Act, shall be appointed by the rulers of the respective States in such manner as they deem proper. Of the 156 members allotted to British India, 6 shall be nominated by the Governor-General, and 150 shall be elected by the various provinces or territories under the direct administration of the Government of India. For this purpose each province or territory shall be divided into the necessary number of constituencies. According to the Communal Award, the various communities Muslims, Europeans, Sikhs, Christians, Non-Muslims, etc., get separate representation through their own electorates. Women are also to be represented from every important community. The franchise for election to the Council of State is sufficiently high, which means that only a small portion of the communities will enjoy the right of voting. The 150 seats in the Council of State, allotted to British India, are distributed thus: Madras 20, Bombay 16; Central Provinces 20; Punjab 16; Bihar 16; Central Provinces and Berar 8; Assam 5; North-West Frontier Province 5; Orissa 5; Sind 5; British Baluchistan 1; Delhi 4; Ajmer-Merwar 1; Coorg 1; Anglo-Indians 1; Europeans 7; Indian Christians 2.

The Act of 1935 gives 125 representatives to all the Indian States in the Federal Assembly; these have been allotted to the States according to a schedule appended to the Act. Each Indian Prince is given full freedom to decide how the representatives of his State would be sent to the Federal Assembly, whether through nomination by the ruler himself or through some kind of election. So there has not been prescribed any uniform system of representation for all States; some rulers might adopt the system of nomination by themselves while others might introduce popular election. This is a very defective system because it ignores the subjects of the Indian States in the matter. In the case of British India a kind of uniformity has been adopted.

The representatives of British India, numbering 250, have been distributed thus: Madras 37; Bombay 30; Bengal 37; United Provinces 37; Punjab 30; Bihar 30; Central Provinces and Berar 15; Assam 10; North-West Frontier Province 5; Orissa 5; Sind 5; British Baluchistan 1; Delhi 2; Ajmer-merwar 1; Coorg 1; Non-Provincial seats 4. The allotment of each province consists of the representatives of the various communities, including women, according to the Communal Award. The legislature of each province is to elect the representatives to the Federal Assembly, the members of each community electing their own representatives, by the method of single transferable vote. Thus indirect election system has been adopted for the Assembly in place of the direct election introduced by the Reforms of 1919. And this undemocratic feature of the Federal

Assembly has been vehemently criticised by the public opinion in India.

The two Chambers of the Federal Legislature will meet at least once in each year, and twelve months will not intervene between the close of one session and the beginning of another. The Governor-General will convene and prorogue either Chamber and he will dissolve the Federal Assembly. He may address either Chamber or both Chambers in a joint session, and may also send messages to either Chamber. The two Chambers will have co-equal legislative powers, but all money bills would originate in the Federal Assembly. In case of disagreement between the two Chambers on any measure, legislative or financial, the Governor-General may convene a joint session of the Chambers for purposes of deliberation and voting. In such a joint session the decision of the majority of the members of the Chambers voting will prevail. In the joint session, the President of the Council of State, or in his absence such person as may be determined by rules of procedure, shall preside. Proceedings of the Chambers will be in the English language, but members not sufficiently acquainted with the English language will be allowed to use another language.

The Governor-General too has been given certain legislative powers. Whenever the Governor-General feels that circumstances exist which require immediate action to be taken for enabling him to discharge his special responsibilities, he may promulgate an Ordinance under certain terms and conditions, which shall have the full force of law before any court of law. Such

Ordinance will remain in force for a period of six months, but it may be extended by another Ordinance for a further period of six months. Any measure passed by the Federal Legislature can become law only when assented to by the Governor-General who may withhold his assent or may reserve a measure for His Majesty's pleasure. He may also enact Governor-General's Acts having full force of laws.

The subjects on which the Federal Legislature may legislate for the whole of the Federation are contained in List I in Schedule Seventh of the Act. Some of these important matters are : Defence of the country, including various kinds of defence forces and works; External Affairs; Currency; Coinage; weights and measures; Debts of the Federation; Banking; Salt; Opium; Petroleum and the other Explosives; Income-Tax; Posts; Telegraphs; Telephones; Wireless, Post Office Saving Bank; Federal Services and Pensions; Ecclesiastical Affairs; Benares and Aligarh Universities; Surveys and Census; Patents; Copyright; Naturalisation; Immigration and Emigration; Federal Railways; Succession Duties; etc. Besides, there is a vast field of concurrent legislative list in which both the Federal Legislature and the Provincial Legislatures can legislate for British Indian Provinces.

The Federal Executive—The Act provides that "the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor-General, either directly or through officers subordinate to him." But the Federal Legislature is empowered "to confer functions upon subordinate officers, and the Governor-

General cannot exercise power already granted to any court, judge or officer, or any local or other authority, by any existing Indian law." The Governor-General is authorised to exercise his authority in his individual judgement or in his own discretion in all those matters which are placed under his special responsibility or declared by the Act to be matters in which he must act in his own discretion. But for all other matters, there shall be appointed a council of ministers, not more than ten in number, which will "aid and advise the Governor-General in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion." These ministers will be chosen, summoned and sworn by him as his concillors, and shall *hold office during his pleasure*. The last words, however, mean in actual practice that the Council of Ministers will remain in office so long as it would enjoy the confidence of the Federal Legislature. The Governor-General, if he so desires, may preside at the meetings of his ministers.

Powers of the Governor General.—Mention has already been made of the special powers and responsibilities of the Governor-General and of matters in which he is to exercise his own discretion. To make the point clear, the Act provides that he will exercise the functions in his own discretion in all defence, ecclesiastical and external matters excluding the relations of the Federation with any part of His Majesty's Dominions, in which the British Government alone will be the final authority, and in all matters relating to tribal areas. He will exercise his special responsibilities to prevent

any grave menace to the peace and tranquility of the country, to safeguard the financial stability of the Federation, and the interests of minorities; to protect the rights of Indian States and rulers; to prevent commercial discrimination against United Kingdom and Burma. In these matters of special responsibility, he will act in his individual judgment, *i. e.*, without being bound by any advice his ministers might choose to give him,

But in matters in which he is to act in his own discretion, *viz.*, defence, ecclesiastical affairs, foreign relations and relations with tribal countries he will exercise the functions without consulting his ministers; and to assist him he may appoint counsellors, not exceeding three in number, on such terms and salary as may be determined by His Majesty in Council. These counsellors (as distinguished from councillors or ministers) will not be responsible to the control of the Federal Legislature, but to the Governor-General alone. The ministers, however, will be members of the Legislature. But if any person not a member of the Federal Legislature is appointed a minister, he will either get elected to the Legislature within six months from the date of his appointment or on failing to do so will lose his office of minister.

Though the Act does not say so, yet the spirit underlying it is that the Governor-General will so choose his ministers as to secure due representation of the minorities and the Indian States that have federated, a matter made clear in the *Instrument of Instructions* issued to the Governor-General by His

by the Governor-General to whom alone the adviser would be responsible.

In short, the Federal Executive, as proposed in the Act of 1935, is to be composed of ministers responsible to the legislature and of counsellors responsible to the Governor-general. The former are to administer the subjects transferred to the Federal Legislature, and the latter are to assist the Governor-General in the administration of subjects reserved to him and not subject to the control of the Legislature.

Federal Finance.—Money is the first necessity of every government, but in a federation the subject of finance acquires special importance on account of the fact that all sources of revenue are not given to one government alone, either the Government of the federation or of the province. They are divided between the federation and the provinces or States just as the subjects of administration are divided between them. The general principle underlying this division of revenues between the Federation and the Provincial Governments, under the Act of 1935, is that generally sources of indirect taxation are given to the Federal Government, and further that each government is given revenues which are likely to meet the expenditure it has to incur. The Federation has been allotted these sources of revenue—Duties of Customs; Excise on tobacco and alcoholic liquors, opium, etc.; Corporation Tax (but not in the States for the first ten years); Salt; Taxes on non-agricultural income; Taxes on Companies; Succession Duties; Stamp Duties on cheques; Bills of Exchange; Letters of Credit; Insurance Proxies and Receipts; Promissory

Notes, etc; Terminal Taxes on Goods carried by Air or Railway; Posts, Telegraph and Telephones and Wireless.

The total expenditure of the Federation is divided into votable items which are to be subject to the control of the Legislature, and non-votable items subject to the control of the Governor-General or the Secretary of State. For example, the expenditure on defence of the country, pensions and salaries of the members of All India Services, Interest on Debts of the Federation, etc., are some of those included in the non-votable items of expenditure.

Reserve Bank of India—Experience has shown that every Government, much more so a federal Government, needs a bank of its own to handle all financial transactions of the Government and to regulate its financial policy. Mention has already been made of the fact that one of the conditions laid down for the establishment of an All-India Federation was the creation of a Reserve Bank of India to secure the financial stability of the federation. The Central Legislature of India passed an Act which on receiving the assent of the Governor-General on March 6, 1934, became known as the *Reserve Bank of India Act, 1934*.

The Reserve Bank of India was therefore established on 1st April 1935, under this Act, to perform functions which were till then performed by the Government as well as the Imperial Bank of India.

The chief functions and powers of the Reserve Bank may be briefly understood to be these : (i) It has the sole right to issue notes and to manage the currency of India; (ii) It is the Banker to the Government and to all the

Banks in India; (iii) It safeguards the financial credit of the country and guides its banking and financial development and floats loans; (iv) It performs the obligation to sell and buy sterling with a view to maintain the exchange value of rupee with sterling; (v) It fixes the Bank rate, i. e. the standard rate at which the Reserve Bank will buy or readjust bills of exchange or other legal commercial paper, (vi) Every scheduled bank operating in India has to maintain with the Reserve Bank a balance the amount of which shall not be less than five percent of its demand liabilities and two percent of its time liabilities at the close of business on any day; and (vii) It is to create a special Agricultural Credit Department for studying all questions of Agricultural credit, and for co-ordinating the operations of the bank in connection with agricultural credit and its relations with provincial co-operative banks etc.

The Reserve Bank of India is a share-holders' bank with a capital of five crores of rupees divided into 5,00,000 shares of Rs. 100 each. The share-holders must be either Indian subjects of his Majesty or subjects of Indian States, domiciled in India, British subjects ordinarily resident in India, or domiciled in any such part of the British Empire as does not discriminate against Indians or companies registered in India.

The bank has its offices in Bombay, Calcutta, Delhi, Madras and Rangoon, and a number of branches elsewhere.

The bank is managed by a Central Board of Directors consisting of: (a) Governor and two Deputy Governors to be appointed by the Governor-General-in-Council after consideration of the recommendations of the Board in that behalf; (b) four Directors nominated by

the Governor-General-in-Council; (c) eight Directors elected by the share-holders in person or by proxy; (d) one official nominated by the Governor-General-in-Council. The Deputy Governors and the official nominated under category (d) have no votes. Hence the Board has only thirteen Directors who have a vote each. In each of the five cities mentioned above, there is a Local Board consisting of five members elected by the share-holders of the respective areas and not more than three members nominated by the Central Board.

A share-holder holding five shares has one vote, subject to a maximum of ten votes. The elected members of the Local Boards elect from amongst themselves the eight elected Directors of the Central Board, thus: Bombay, Calcutta, and Madras Local Boards elect two Directors each, while Delhi and Rangoon elect one each.

It will thus be seen that the Reserve Bank is an independent body free from political considerations. In the appointment and removal of the Governor and Deputy Governors of the Bank, in fixing their salaries and terms of office, in the appointment of an officiating Governor, or Deputy Governor, and in the supersession of the Central Board, etc. the Governor General is to act in his own discretion.

Federal Court of India.—In every federal constitution the position of the federal judiciary is a very important one. As a federal constitution is in the nature of a contract or agreement between the various provinces or states that constitute the federation, questions often times arise which lead to conflicts between the units or States and the

Central Government regarding the exercise of any power or function of government, or regarding the interpretation of any part or clause of the constitution. To decide such cases of conflicts, to interpret the constitution and to see that no Government encroaches upon the authority of another, a federal constitution sets up an independent federal judiciary which derives its power from the constitution and is, therefore, independent of the control of the executive authority.

The Act of 1935 provided for the establishment of a Federal Court, consisting of a Chief Justice of India and such number of other judges as may be appointed by His Majesty. The Federal Legislature may present an address to His Majesty for increasing the number of judges, but till then the number of puisne judges besides the Chief Justice is not to exceed six on the first of October 1937. The Federal Court came into existence with Sir Maurice Gwyer as the Chief Justice, and Sir Shah Mohammad Sulaiman and Mr. M. R. Jayakar as puisne Judges.

A Judge of the Federal Court shall hold office till attaining the age of sixtyfive years. A judge may be dismissed from office by His Majesty on the ground of misbehaviour or infirmity of mind or body if the Judicial Committee of His Majesty's Privy Council so advises on a reference being made to them by His Majesty. A judge must have been either a judge of a High Court in British India or a federated State for at least five years, or he must be a barrister of England or Northern Ireland of at least ten years' standing, or a member of the Faculty of Advocates of Scotland of similar standing; or he must have

been for at least ten years at the time of appointment a pleader of a High Court in British India or a Federated State or of two or more such courts in succession. The salaries of the judges are determined by His Majesty in Council. The Chief Justice gets Rs 7,000 p. m. and the other judges Rs 5,500 p. m. each.

The jurisdiction of the Federal Court is of two kinds, original and appellate. With regard to the former kind of jurisdiction, the Act says that the Federal Court shall have original jurisdiction in any case that arises between any two or more of the following parties:—the Federation, and any of the Provinces or Federated States, in so far as the dispute concerns any point of fact or law. But whenever a Federated State is one of the parties to such a dispute, the Jurisdiction of the Court will extend to the case only when it involves the interpretation of any Order in Council or the Act or any agreement contained in the Instrument of Accession of the State. In cases in which the Federal Court has jurisdiction it can only pronounce a declaratory judgment.

In the exercise of its appellate jurisdiction, the Federal Court is empowered to hear appeals from the judgment, decree or final order of a High Court in British India, "if the High Court certifies that the cause involves a substantial question of law as to the interpretation of this Act or any Order in Council" issued under the Act. The Federal Legislature may, by an Act of its own, provide that an appeal shall lie to the Federal Court from the decision of a High Court, in British India, in any civil suit, provided the sum involved was or is not less than fifty, thousand rupees, or when the Federal Court gives special

leave for appeal. The Federal Court shall also hear appeals from the decision of any High Court in a Federated State on the ground that a case has been wrongly decided, a case which involved the interpretation of the Act (1935) or an Order in Council issued under the Act or any agreement contained in the State's Instrument of Accession. But it must be remembered that in every province the Provincial High Court is the highest court and the Federal Court is not the Central High Court of India. No case can be decided in the Federal Court by less than three judges, and judgments are delivered in open court. A dissenting judge may deliver a dissenting judgment. All proceedings are to be in the English language.

All authorities, civil and judicial, throughout the Federation are required to act in aid of the Federal Court. The Court has power to make an order regarding the attendance of any person, or the production or discovery of any document or the investigation or punishment of any contempt of Court, throughout the Federation. But when the Federal Court acts in this respect in regard to any Federated State it "shall cause letters of request issued in that behalf to the Ruler of that State." The law declared by the Federal Court is binding on all courts in British India or Federated States.

The Federal Court is also to tender advice to the Governor-General on any matter which the latter considers as having arisen or as being likely to arise which is of public importance. But this advice has no binding force.

The seat of the Federal Court is at Delhi where it will sit, or it may sit at any other place or places as the Chief

Justice may from time to time, but with the approval of the Governor-General, appoint. The expenses of the Federal Court are charged upon the revenues of the Federation, and all fees or moneys taken by the Court form part of these revenues. The Federal Court makes its own rules of procedure.

Federal Railway Authority—The Act of 1935 created another important central body, viz., the Federal Railway Authority to exercise on behalf of the central or federal government, the authority in respect of regulation, construction, maintenance, and operation of railways in India. Before the passing of the Act, all these functions were performed by the Government of India. The Executive Council of the Viceroy had a member called Railway member in charge of the Railways and other Communications. All Railway matters and policy and Railway budget were discussed in the Central Legislature. Often times political bias was given to discussions regarding railway administration. Hence business-like administration of railways was sometimes hampered.

The eighth schedule to the new Act has constituted a Federal Railway Authority to discharge all functions relating to railways, on business principles with due regard to the interests of agriculture, industry, commerce, and the general public. This Authority now deals with all aspects of railway administration. The Authority consists of seven members appointed by the Governor-General. Not less than three of these are appointed by the Governor General in his discretion for a period of three years but eligible for reappointment. The other members are

appointed for a period of five years. The President of the Authority is also appointed by the Governor-General from among the seven members. No person can be appointed a member of the Railway Authority unless he is experienced in commerce, industry, agriculture, finance or administration, or he is or has been within the last twelve months previous to his appointment, a member of the Federal or Provincial Legislature; or he has been in the service of the Crown in India or has been a railway official in this country.

The salaries and allowances of the members of the Authority are determined by the Governor-General in his individual judgment. All questions or acts of the Authority are to be decided or carried out in accordance with the majority vote of the members present and voting at a meeting of the Authority.

The Governor-General, in the exercise of his individual judgement appoints a person with experience in railway administration to be the Chief Commissioner of Railways, who is at the head of the executive staff of the Authority.

Territories under the Federal Government—Besides doing the central authority over all the Federated States and the Governors' Provinces, the Federal Government directly administers certain territories. These include British Baluchistan, Delhi, Ajmer-Merwar, Coorg, Andamans and Nicobar Islands, and the Excluded Areas. For all these the Federal Government makes laws, administers laws, and is responsible for day to day administration.

CHAPTER X

THE NEW CONSTITUTION OF INDIA

(Continued)

(The Provincial Governments)

Introductory.—The Government of India Act, 1935, has made the most important changes in the system of government in the British Indian Provinces. Before discussing the new system that has come into force in the provinces with effect from the first of April 1937, we may note here the broad features of the changes that have been introduced and principles that underly them.

Realising that the demarcation of provincial boundaries since the beginning of British rule in India had not followed any scientific plan, it has been recognised that provinces should be established more or less according to cultural, linguistic and other factors. Burma has been separated from India. New provinces of Sind and Orissa have been formed, the former out of the Bombay Presidency and the latter out of former Bihar and Orissa and Madras Presidency. Both these have been made Governors' provinces, with similar powers as the other provinces. North-West Frontier Province too has been made a Governor's Province. These three provinces, it was discovered, could not become self-supporting ~~so as~~ to bear the burden of the new system, hence ~~subsidies~~ out of the

who shall lay it before each House of Parliament. Such a Proclamation shall remain in force for a period of six months, unless the period is further extended by another Proclamation issued on the expiration of a previous Proclamation, for a second term of six months. Under Parliamentary sanction, this period may be extended to three years. When the constitution has thus been suspended by a Proclamation, any laws made by the Governor in his own discretion during the period the Proclamation is in force, has effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by an Act of the Provincial Legislature. During the period the Governor rules under the Proclamation, all powers assumed by him may be exercised by him with the aid and advice of a number of advisers appointed by him in his own discretion.

The Provincial Legislature:—As already said, the strength of each provincial legislature, has been considerably enlarged. Wherever there is a unicameral legislature, it is named the Provincial Assembly, but in the six provinces where bicameral legislatures have been introduced, the lower house is called the Provincial Assembly and the upper house is called the Provincial Council. The following table gives the composition of the Provincial Assemblies:—

| Province. | Total seats. | General seats. | Muslim seats. | Sikhs. | Europeans. | Commerce and Industry. | Others. |
|--------------------------------|--------------|----------------|---------------|--------|------------|------------------------|---------|
| Madras | 215 | 146 | 28 | | 3 | 6 | 32 |
| Bombay | 175 | 114 | 29 | | 3 | 7 | 22 |
| Bengal | 250 | 78 | 117 | | 11 | 19 | 25 |
| United Provinces | 228 | 140 | 64 | | 2 | 3 | 19 |
| Punjab | 175 | 42 | 84 | 31 | 1 | 1 | 16 |
| Bihar | 152 | 86 | 39 | | 2 | 4 | 21 |
| Central Provinces and Berar | 112 | 84 | 14 | | 1 | 2 | 11 |
| Assam | 108 | 47 | 34 | | 1 | 11 | 15 |
| North-West Frontier Provinces | 50 | 9 | 36 | 3 | | | 2 |
| Orissa | 60 | 44 | 4 | | | 1 | 11 |
| Sindh | 60 | 18 | 33 | | 2 | 2 | 5 |

Women seats are in this table included in the last column.

As regards the composition of the Upper Houses, called Provincial Councils, the Fifth Schedule to the Act contains the table of seats, which shows, as given below, that in Bengal and Bihar the respective Assemblies are given certain right to elect to their respective Councils 27 and 12 members; in all other provinces the seats are to be filled up by direct election, only a few seats being filled by nomination:—

| Province | Total Seats | | General Seats | | Muslims | | Europeans | | Indians Christians | | To be filled by Governor | |
|----------------------|-------------|---------|---------------|---------|---------|---------|-----------|---------|--------------------|---------|--------------------------|---------|
| | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum |
| Madras | 54 | 56 | 35 | 35 | 7 | 1 | 3 | 8 | 10 | 10 | 4 | 4 |
| Bombay | 29 | 30 | 20 | 20 | 5 | 1 | 3 | 3 | 4 | 4 | 3 | 4 |
| Bengal | 63 | 65 | 10 | 17 | 3 | 27* | 6 | 8 | 8 | 8 | 3 | 4 |
| United Provinces ... | 58 | 60 | 34 | 34 | 17 | 1 | 6 | 6 | 8 | 8 | 3 | 4 |
| Bihar | 29 | 30 | 9 | 4 | 1 | 12* | 3 | 3 | 4 | 4 | 3 | 4 |
| Assam | 21 | 22 | 10 | 6 | 2 | 2 | 2 | 2 | 3 | 3 | 3 | 4 |

* To be elected by the Assembly

The normal term of each Provincial Assembly is five years, but it may be dissolved earlier by the Governor in case of a serious conflict between the cabinet and the Assembly, and when the former desires such a dissolution. The Provincial Council is a continuous body, each member (except in the case of those elected to the first Councils, of whom one-third retire after three years, one third after six years and the rest after nine years) holding his seat for nine years; one third of the Council is renewed after every three years.

Powers of Provincial Legislatures—A Provincial legislature can legislate on all subjects included in the Legislative List (List II of Schedule Seventh of the Act) the most important of which are. Public order, including administration of justice, constitution and organisation of all courts, etc, jurisdiction and powers of all courts except the Federal Court; Police; Prisons and Reformatories; Public Debt of the Province; provincial Public Services; Provincial Works; Land, Irrigation Local Government; Public Health and Sanitation; Education, Industries, Agriculture; Forests; Fisheries; Relief of the Poor and Charitable Endowments; Theatres and Cinemas; Offences against all provincial laws, etc.

The provinces have also been given definite sources of revenues with regard to which they may make their own laws. These sources of revenue include land revenue; duties and excises on alcoholic liquors, narcotic drugs and opium produced within the province; Taxes on agricultural income; Taxes on Lands and Buildings; Taxes on animals and boats; Tolls; Capitation taxes; Taxes on mineral rights;

Fees realised in Courts: Dues on passengers and goods carried on inland waterways; Taxes on professions and callings; Stamp duties, except in matters included in the Federal List.

The Governor summons, prorogues or dissolves the Provincial Legislative Assembly. The Provincial Legislature must meet at least once a year and twelve months must not intervene between their last sitting in the one session and their first sitting in the other session. The Governor may address the Legislature, or send to it messages concerning any matter pending before it or otherwise, and the legislature has to take up the matter so desired in the message with all convenient dispatch. Each Chamber of the Legislature elects its presiding officer, who in the case of the Assembly is called the Speaker, and in the case of the Council (in the provinces where Councils have been created) is called the President of the Council.

Election of Legislatures:—The members of the legislature are elected by qualified voters in the single-member constituencies into which the province is generally divided for election purposes. The right of voting is based on educational qualification, not below the primary stage, and property qualification. Those paying a certain fixed amount of land revenue, or income tax, or land rent, or those occupying houses with certain fixed minimum amount of rent are entitled to vote. Separate electorates and separate communal representation for important communities have been introduced. The depressed classes (called scheduled castes) are given separate representation through a system of separate-cum-joint electorates as embodied in

the *Poona Pact* arrived at between the caste-Hindus, and the representatives of the depressed classes.

The salaries of the Speaker of the Provincial Assembly and of the President of the Provincial Council are fixed by the legislature. A member of the legislature enjoys freedom of speech in the legislature, *i. e.*, he cannot be prosecuted before a court of law for any thing that he says during the course of his speech in the legislature. Every member gets travelling allowance and a certain fixed daily allowance or monthly salary, whatever is laid down by the legislature.

Legislation—Every member of the legislature has the right to interpellate the Government to get information on any matter connected with administration, to move resolutions and Bills, and to take part in all discussions, including the discussions on budget. A legislative measure, called a Bill may be introduced either by a private member or by a member of the cabinet *i. e.*, a minister. When a Bill is first introduced, it is usually referred to a select committee, in case its principle has first been accepted by the house, in the first reading or it may be taken up for the second reading. In the second reading of a Bill, members move amendments when the Bill is discussed clause by clause. After the second reading is over, the third or final reading is taken up. Members are then entitled to oppose or support the Bill. Final voting then decides the fate of the Bill. If it is passed, it goes to the other Chamber if the provincial legislature is bicameral, and then discussed there. If the other chamber passes the Bill, it goes to the Governor for his assent which he may give or withhold, or he may reserve the Bill for the consider-

tion of the Governor-General. The assent of Governor or Governor-General is given in His Majesty's name.

When, however, the either Chamber of a provincial legislature (where two Chambers exist) does not agree to a measure passed by the other Chamber, the Governor may convene a joint session of the two Chambers for the consideration of the measure in the form passed, by the originating Chamber, and of such amendments as have been proposed by the other Chamber but have not been accepted by the originating Chamber. In the joint session there is deliberation and voting, and the majority vote decides the issue.

When a Bill has been assented to by the Governor or the Governor-General, His Majesty may disallow it within twelve months from the date of the assent.

With regard to the financial powers of the provincial Legislatures, it is laid down that they cannot consider any item of expenditure unless the Governor has first given his assent to such consideration being allowed. All expenditure is introduced by the cabinet in the form of estimates or budget. The provincial budget consists of two parts, votable and non-votable. The latter part includes all expenditure placed on the revenue of the province and mentioned in sub-section (2) of section 78 of the Act. Non-votable items include salary and allowances of the Governor, etc.; debt charges for which the Province is liable; salaries and allowances of ministers; salaries and allowances of judges of any High Court; sums required to satisfy any decree or judgment of any court or arbitral tribunal; expenditure connected with excluded areas in the Province, if any; and any other expenditure that may be so

declared by the Act of 1935 or by any Act of the Provincial Legislature. Any question whether a particular expenditure is one to be charged on the revenues of the Province, is decided by the Governor in his own discretion.

All other items of expenditure, not included as charges on the revenues of the Province, are submitted to the vote of the Legislature.

Wherever there is a bicameral legislature, a minister may attend and speak in either Chamber, but he can vote only in that of which he is a member.

Governor's Legislative Powers.—Though the act says that the Provincial Legislature will consist of "His Majesty, represented by the Governor" and of one or two Chambers, as detailed in the Act (Madras, Bombay, Bengal, U. P., Bihar and Assam, each having two chambers and others only one each) the Governor is given certain special legislative powers besides his right to give or withhold his assent to any Bill passed by the Legislature. He may promulgate an Ordinance under certain circumstances and conditions. He may also enact Governor's Acts which have the same force of law as any Act passed by the legislature and assented to by the Governor. The chief difference between an Ordinance promulgated by the Governor and a Governor's Act is that the former is made during the recess of the Legislature and ceases to operate six weeks after the reassembling of the Legislature, while the latter may be made even when the legislature is in session, and has no maximum period fixed for its operation. But every Governor's Act has to be communicated through the Governor-General to the Secretary of State, for being laid before each House of the British Parliament. In

exercising his power of making Governor's Act, the Governor acts in his own discretion.

Governor's control over excluded Areas.—If a province has any area declared as an excluded area by His Majesty, by means of an Order in Council, the Governor of the Province concerned exercises full authority over the administration of that area as his special responsibility. He makes regulations, having the force of laws, for such areas.

In case of failure of the constitutional machinery of the Province, the Act (section 93) empowers the Governor to declare that he assumes to himself the functions of all or such bodies of the Provincial Government as he deems necessary, i.e. he takes on himself the sole responsibility of administering the province and making laws for it.

The Provincial Executive.—The Act vests the executive authority of a Province in a Governor, who exercises it on behalf of His Majesty, either directly or through officers subordinate to him. This authority extends to all matters, with respect to which the Legislature of the Province has the Power to make laws (as already described).

Governor's Powers.—Section 50 of the Act, however, institutes "a council of ministers to aid and advise the Governor in the exercise of his functions or any of them in his discretion". In case there arises a question whether any particular matter is one in which the Governor is required to exercise his functions in his discretion, i.e., without the advice of his ministers, the Governor's decision on it is final. Moreover, the Act gives the Governor certain special responsibilities in regard to the—

- (1) prevention of any grave menace to the peace and tranquility of the province or any part of the province;
- (2) safeguarding of the legitimate interests of the minority communities;
- (3) safeguarding the interests of the public services mentioned in the Act, or securing to them or their dependents their proper rights;
- (4) executive authority or peace in the excluded or partially excluded areas in the province;
- (5) rights of any Indian State and the right and dignity of the Ruler thereof; and
- (6) execution of orders received from the Governor-General in the latter's own discretion.

Moreover, the Governor of the Central Provinces and Berar has the special responsibility of seeing that a reasonable share of the revenues of the Province is spent upon the welfare of the people of Berar.

In all matters in which the Governor is given special responsibility he is to exercise his individual judgment.

The intention of the Act was to give full provincial autonomy on the principle of responsible government, i. e., though in theory the executive authority of a province is to be exercised by the Governor on behalf of His Majesty, in actual practice the executive branch of the government should be entrusted to ministers responsible to the Legislature in the discharge of their duties. But the giving of special power to the Governor, on grounds of special responsibility on 'his own discretion' definitely waters

down the responsible character of the executive authority of the ministers. True, the Act says that in all other matters, not included in the list of special responsibility of the Governor or his own discretionary powers, he is to be guided by the advice of his ministers, but the manner in which the Governor may exercise his individual judgment or discretionary power is likely to come into conflict with the views and policy of the ministry. Furthermore, the Act authorises the Governor to preside at the meetings of his cabinet, and this is definitely against the practice prevailing in other Dominions. And lastly, the Act says that in making rules, regulations or orders about any police force, civil or military, the Governor shall exercise his individual judgment", and he shall also make rules regarding prohibition of the supply of information by any member of a police force to any officer of the Government probably not excluding the ministers. These powers given to the Governor in the executive field coupled with the legislative powers given him (the promulgating of Ordinances or the making of Governor's Acts without the consent of the provincial Legislature) have practically reduced the responsibility granted to the ministers to a great extent. And for this reason, almost every political party considers the new Act as thoroughly unsatisfactory.

The Governor enjoys the power of appointing, and summoning of his ministers who are sworn as members of his council and hold office during the pleasure of the Governor. The Instrument of Instructions issued by His Majesty to the Governors, requiring them to exercise power on behalf of His Majesty, makes it clear how these powers shall be exercised. In practice, the Governor

invites the leader of the majority or the largest party in the Provincial Assembly to form a ministry. And upon the recommendation of this leader, who is then appointed as the Premier or Prime Minister or Chief Minister (each province adopting the designation it likes) the Governor appoints the other ministers. The number of these ministers is not laid down in the Act but is determined by the Premier. The Governor is required to appoint that person as the Chief or Prime Minister who is likely to command a majority in the legislature. The ministry is generally so constituted (in conformity with the Instrument of Instructions) as to include representatives of the minority communities and of the scheduled castes. The ministry remains in office theoretically during the pleasure of the Governor but practically as long as it enjoys the confidence of the Assembly. The policy of administration is determined by the ministry (usually called the provincial cabinet) and is subject to the control or authority of the Assembly. The Chief Minister distributes the various portfolios among the ministers. The salary of the ministers is decided by the Legislature in the Salary Act passed for the purpose. The important portfolios, usually adopted in the provinces are those of Home Affairs including law and order, Education, Local Self-Government, Industries, Agriculture, Revenue, Finance, Irrigation, Transport and Communication, etc. Sometimes two or more portfolios are given to the same minister.

The Ministries—When provincial autonomy under the Act of 1935, was first introduced in the provinces on 1st April 1937, the Governors had to appoint their ministries. In six out of the eleven provinces the Congress

Party had captured the majority of seats in the Assemblies, and in two of the others it was the largest single party. In the six provinces in which the Congressmen were in majority, the leaders of the party, when invited by the Governors, demanded assurances that the latter would not exercise their special powers, but would act according to the advice of the ministries. This assurance was refused by the Governors on the ground that under the Act they could not divest themselves of the responsibility placed on them, but assured the leaders that they would always sympathetically help them in the administration. On this refusal the Congress declined to accept offices (*i. e.* ministries) and the Governors, in order to carry on the King's Government, had to appoint minority *interim ministries*, consisting of persons who had little following in the Assemblies. The meeting of the Assemblies in those provinces, were not convened till July 1937. After the various points of views on this constitutional crisis had been thoroughly expressed, Lord Linlithgow, the Viceroy and Governor-General, issued a statement, with the approval of His Majesty's Government, explaining the intention of the Government. This statement almost conceded the demand for assurance made by the Congress. Thus in July, the Congress ministries replaced the interim ministries in the six provinces. And in the North-West-Frontier Province where the Congress Party was the largest single party in the Assembly, Congress-Nationalist Coalition ministry succeeded the previous ministry which was overthrown by the Assembly.

In short, at the present time, and according to the Act of 1935, the provincial executive consists of the ministers

appointed by the Governor from amongst the majority, or failing that the largest party in the provincial Assembly, on the recommendation of the leader of that party. This leader becomes the Chief Minister and divides the various departments among his colleagues of the ministry. The ministry remains in office as long as it enjoys confidence of the legislature. The spirit of the Act requires that in case of a conflict between the legislature and the ministry in a province, the ministry may advise the Governor to dissolve the Assembly and order fresh elections to enable it to appeal to the electorate. The Governor may accept this advice of the ministry, or he may not accept it if he finds that he can summon some other leader of another political party in the Assembly to form the ministry with a chance of commanding the majority in the Assembly. The ministry works on the principle of joint responsibility, i. e., the whole of it resigns in case the Assembly either passes a vote of no-confidence in one or more ministers, or rejects the demand of any department or departments. The Governor acts as a constitutional head of the provincial administration, except in so far as he is required by the Act to act in his own discretion or exercise his individual judgment in certain definitely mentioned matters. But even in these matters he consults his ministry and either tries to convince them or be convinced by them, that is he endeavours to avoid a conflict with his ministry as long as he can do so. He presides over cabinet meetings, but not often, and advises the cabinet when he thinks it proper. In the actual administration, however, the ministry acts as it deems proper, so long as it commands the support of the majority in the Provincial Assembly.

No doubt, the All India Services in the provinces are outside the control of the ministry and it is largely the members of these services on whose co-operation the administration of the province or the carrying out of the policy of the ministry largely depends. But the Governors impress upon the services the necessity to extend the fullest co-operation to the ministry of the day irrespective of the colour or views of the political party from which the ministry is drawn.

It must, however, be remembered that the success or otherwise of the system of provincial autonomy introduced in the provinces cannot be judged without giving it a fair trial extending over a reasonable period. It is for the first time that the representatives of the people have been given full powers of administration in the provinces, subject to the restrictions and limitations already mentioned. Much will, no doubt, depend upon the extent of co-operation and loyalty which the services extend to the new ministries, for the former are removed from the control of the latter.

Civil Servants as part of the Executive.—The large number of officers that carry on the day to day administration in a province also form part of the executive machinery of the provincial government. They come under two important categories, those who are members of the All-India Services recruited, controlled and protected by the Secretary of State, and those who are recruited in the provinces by the ministries. The latter belong to various grades, from the superior provincial services of *A grade* down to the lowest subordinate services. After the first of April 1937, several

provinces have established their own Provincial Public Service Commissions, the smaller provinces having arranged with other provinces to institute joint commissions for the purpose. Through a Provincial Public Service Commission which in certain cases holds competitive examinations, and in others selects candidates by holding interviews, a Province gets recruits to its services. The important classes of services in a province will be discussed latter in the book.

The Provincial Judiciary:—The judicial system of a province may be likened to a pyramid, at the apex of which is the highest judicial court, called High Court or Chief Court, and subordinate courts of various ranks occupy different positions; at the base are a large number of courts of the lowest grade and rank.

It was in 1861 that by the Indian High Courts Act of that year High Courts were established for Bengal, Bombay Madras, and later for the United Provinces and the Punjab. Recently High Courts have been established at Patna for Bihar and Orissa and Nagpur for the Central Provinces and Berar, and one in Sind. In Oudh, there is a Chief Court, and in the North-West Frontier Province the highest judicial tribunal is the Court of the Judicial Commissioner. The chief difference between a High Court and Courts of other designation mentioned above is that the High Courts derive their authority from Parliament while the others derive their authority from the Government of India.

The Judges of the High Courts are appointed by the Crown and hold office during the King's pleasure. One-

third of them must be Barristers, one-third must be recruited from the Judicial Branch of the Indian Civil Service, and the rest from amongst persons who have either held offices as judicial officers or practised as lawyers in India. In trying all criminal cases on their original side, High Courts adopt the system of trial by jury,

The High Courts are the highest courts of appeal in the provinces, but appeals from their decisions may be heard by the Judicial Committee of His Majesty's Privy Council, when leave for such appeal has been granted. The High Courts supervise the work of all the subordinate courts in the districts, from which explanations may be demanded in cases of any irregularity, etc.

For purposes of judicial administration there are judicial districts into which each province is divided. In each district there are civil as well as criminal courts of various gradations. The highest civil court in a district is the court of the district judge who hears appeals from the decisions given by the subordinate courts of Munsifs or honorary Munsifs. The district judge exercises original jurisdiction in all civil cases in which the amount involved is above a certain fixed sum upto which the Munsif's court is entitled to hear suits. The district judge is assisted by a number of additional judges civil judges to cope with the huge number of civil cases in his court. There is no system of trial by jury in civil cases in India.

Every district has a number of superior and inferior criminal courts to hear and try criminal cases. The highest criminal court in the district is that of the sessions judge, who may have for his assistance additional judges. The

functions of the sessions judge and the district (civil) judge are combined in the same person. The sessions judge can try and inflict any punishment in a criminal case, including the infliction of capital punishment which, however, must be confirmed by the highest court of the province. Below the session judge are courts of magistrates of three classes who hear criminal cases and award punishments upto a certain limit fixed in case of each class of magistrates. Provision is also made for appointing honorary magistrates to try cases. The sessions judge tries criminal cases with the help of either assessors or juries. The opinion of the assessors is not at all binding on the judge, but in the case of the juries he is generally required to accept the opinion of the majority. There is a great latitude granted by law for appeals in criminal cases. The High Court of the province gives the final decision the Privy Council having expressed its reluctance to hear appeals in criminal cases including those in which death sentence is awarded. Prerogative of mercy in criminal cases is exercised by the Governor-General and the Governor of the province, without, prejudice to the superior power of the Crown in this regard.

With the establishment of the Federal Court in India, appeals may be preferred in that Court from the decisions of the highest courts of the Province, where such appeals are allowed by law.

For revenue cases the system is different. There are inferior revenue courts of sub-divisional magistrates or honorary magistrates, from whose decisions appeals may be preferred to the court of the district collector who is the highest revenue authority in district. In revenue cases appeals from

the decisions of the collector lie to the Divisional Commissioner, and thence to the Board of Revenue for the province. This last court consists of two members recruited from amongst the seniormost members of the Civil Service and called the Senior and Junior Members of the Revenue Board. Only in a few revenue cases involving partition etc appeals may lie to High Courts.

Each provincial Government has an Advocate General for the province to give advice to the Government on all questions of laws. And each district has a Government Advocate who is generally a part-time lawyer (i.e., one who can do his private practice along with conducting Government cases) who represents the Government in cases in which it is a party.

In those parts of a province where the Village Panchayat Acts is in operation, the Village Panchayat, for a village or a number of villages, hears petty criminal and civil cases, in which they are empowered to inflict fines upto a certain fixed limit or decree civil cases upto a fixed amount. Village Panchayats are instituted to give judicial relief to persons who cannot afford to spend large amounts on carrying their litigation to other regular courts; the Panchayat system is thus a cheap system of disposing of cases for poor villagers.

Administrative Units in the Provinces.—So far we have discussed in this chapter (except the judiciary) the system of government at the top in a province. For administrative purposes a province is usually divided into Divisions each under a Divisional Commissioner who is a senior man from the Indian Civil Service. The Divisional Commissioner exercises general supervision over the

districts in his division. His chief duties relate to supervision over local bodies, like the district and municipal boards, and for this purpose he is the highest authority for approving or disapproving of expenditure and making of bye-laws. He also hears appeals in all revenue cases, in which appeals are taken to him from the decisions of the District Collector. For quite a long time there has been incessant non-official agitation for the abolition of the posts of commissioners in the provinces where these exist, on the ground that they are useless and unnecessary posts, as most of the work of administration is done by the district magistrates over whom the next higher, rather the highest, authority in the province is the provincial government. But as the posts of Commissioners of Divisions are really prize-posts for senior members of the Indian Civil Service recruited and controlled by the Secretary of State, the members of the Service as well as the Secretary of State have so far resisted this demand, although the principle underlying it has been accepted from time to time and the abolition of posts recommended by the legislature and retrenchment committees.

The real units of administration in a province are the districts, for all practical purposes like justice, revenue, police, etc. The head of the district administration is the District Magistrate and Collector (also called Deputy Commissioner in certain provinces or parts of provinces, e. g., in Oudh and Kumaon in the United Provinces, in the Punjab, etc.) He is generally a member of the Indian Civil Service, or a very senior member of the Provincial Civil Service. He is responsible for the general admini-

ration of the district, there being practically no department of government in the district in which he has no voice. He maintains peace in the district with the help of the district police; he suppresses outbreaks of disorder or rebellion, for which purpose he may requisition the help of the Army; he collects revenue of the district for payment into the provincial treasury; he looks after the health of the district; he adopts necessary measures to render relief in times of scarcity or famine; in short, his authority is supreme in the district. In the discharge of his revenue duties he is assisted by the *Tahsildars* and *Subdivisional Magistrates* who are incharge of the *Tahsils* or *Sub-divisions* into which the district is divided for this purpose. These Magistrates, usually called Deputy Collectors, are generally the members of the Provincial Civil Service, although junior members of the I. C. S. are also at first appointed as sub-divisional officers or Joint-Magistrates. They hear revenue and criminal cases, appeals from their decisions lying to the District Magistrate and Collector. They look after the general administration of the sub-divisions in their charge. They work under the general control of the District Magistrate. Each *tahsil* is further sub-divided into *parganas*, each of which has a *Kanungo* and *Amins* for revenue purposes. Under the *Kanungo* are *Patwaris*, one for a group of villages.

For police purposes, the highest police officer in the district is the Superintendent of Police who controls the whole police force of the district. He is an independent officer, generally belonging to the Indian Police Service. In some cases very efficient and senior members of the Provincial Police Service are also promoted to the post

of Superintendent. Each district is divided, for police purposes, into circles each of which is placed under a Circle Inspector. In each circle there are several police stations (*thanas*) with police sub-inspectors and constables. Within each *thana* are many villages with village *chowkidars*. All these police officers from the Superintendent down to the *chowkidar* keep order within their respective jurisdiction and perform the general police duties, including detection of crimes. The Superintendent of police has an Assistant Superintendent (a member of the I. P. S.) and one or more Deputy Superintendents (members of the Provincial Police Service). The police of the district has to assist the district Magistrate in the discharge of the latter's duty for the maintaining order and peace, detecting and investigating crimes, etc.

In each province there are two or more police ranges each consisting of a number of districts. At the head of each range is a Deputy Inspector General of Police. Then over the whole Province, the highest police officer is the Inspector General of police, who is responsible for the whole police force of the province and who works according to the orders and instructions of the Minister in charge of Law and Order.

For purposes of health and sanitation too the district is a unit with a district hospital, under the general control of a Civil Surgeon, who is either a member of the Indian Medical Service or a senior member of the Provincial Medical Service. The Civil Surgeon is assisted by a number of Assistant Surgeons and Sub-Assistant Surgeons who are in charge of other hospitals in the district. The

highest officer of the medical line, for the province, is the Inspector General of Civil Hospitals, who is responsible for the medical service and health of the province and who works under the Minister in charge of Public Health.

There are various local bodies in each district, like the district, municipal, *taluk* and cantonment boards, village *panchayats* and notified town area committees, which are discussed in the next chapter.

Such is in brief the government and administration of a province British India.

QUESTIONS.

1. What do you understand by the term 'Provincial Autonomy'? How far has it been introduced in the Indian Provinces?
2. Describe the powers and functions of the provincial Governors under the Act of 1935.
3. Describe the powers and functions of the 'Provincial Cabinets'. How far are they limited by the 'special responsibilities and powers' of the Governor.
4. Describe the composition, powers and functions of the provincial Legislative Assembly.
5. Discuss the relations between a Provincial Governor and his (Cabinet) ministers under the new Act.
6. Describe the judicial system of your province.

CHAPTER XI.

LOCAL SELF-GOVERNMENT

Introductory:—Local self-government has been unanimously acknowledged to be the most important field for a practical realisation of the civic sense of duty. The idea of local self-government is not new to India. In fact it will be bare truth to say that local self-government in India is as old as Indian civilisation of which it forms but a part. Recent researches in Ancient Indian History have proved beyond all doubt that there existed in India during the Hindu period, a net-work of village communities each autonomous for all local purposes. Sir Charles Metcalfe thus expressed his views in 1832 : "The village communities are little Republics, having nearly everything they want within themselves, and almost independent of any foreign relations." And he further adds, "They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution: Hindu, Pathan, Mogal, Mahratta, Sikh, English, all are masters in turn: but the village community remains the same." And he is very true in asserting that. "This union of the village Communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have suffered, and is in a high degree conductive to their happiness, and to enjoyment of a great portion of freedom and independence." Such was really the place which

these rural communities, independent for all strictly local purposes, including administration of justice, works of public utility, social and religious matters, etc. occupied in the Indian system. They raised money by levying small taxes upon the members of the community, and for handling more important affairs, too great for a single village, combinations of five, ten, hundred and a thousand villages were formed. The Hindu Kings patronised the activities of the communities, as is evident from our ancient history. They were essentially men of rural taste, who spared no pains to see that those subjects in all parts of the realm lived happily. They had realised the truth that no people can feel happy unless they are free to manage their local affairs.

In bigger towns and capital cities there were self-governing bodies. The municipal administration of Patliputra as described by Kautilya and Megasthenes, bears testimony to the highly developed sense of the Hindus to work their local institutions efficiently and successfully.

During the Muslim (Pathan as well as Moghal) rule the old institutions continued with but little changes which were caused by the change in rulers. The Mongols were particularly men of urban taste, so they looked more to the amenities of life in cities than in the rural areas. As a necessary result of this, the cities and towns flourished with their local institutions, but the villages, not looked after very much continued their old traditions and institutions, as best as they could under the changed circumstances and the new policy of administration. Village communities declined but did not disappear; they

became confined to social and religious matters, looking after other affairs in a lesser degree.

That is why even now in India no other institution appeals so much to the instinct of the people as the *Panchayat System* which they look upon as the bulwark of their rights and liberty. The villages still possess the relics of the old *panchayats*, though these are now confined to communities only.

Therefore, when the British introduced local self-government institutions in India, they did not do it in a country which had never known them but in one which had a net-work of them in ages gone by.

During the rule of the East India Company in India, attempts were made (at various periods from 1687 till 1858) to establish some kind of bodies to look after the sanitation of towns, with powers of levying indirect taxation, but these did not succeed much. As for rural boards, they came into existence even much later. "When the Crown took over the government of the country in 1858 such boards did not exist though some semi-voluntary funds for local improvement had been raised in Madras and Bombay, while in Bengal and the United Provinces consultative committees assisted the District Officers in the management of funds devoted to local schools, roads, and dispensaries."

It was only in 1870 when Lord Mayo published his Resolution on Provincial Finance that some reference was made, officially in that Resolution, to a plan of developing local self-government institutions in the country. The Resolution stated: "But beyond all this there is a greater and wider object in view. Local interest, supervision, and care are necessary to success in the management of

local funds devoted to education, sanitation, medical charity and local public works. The operation of resolution in its full meaning and integrity will afford opportunities for the development of selfgovernment, for strengthening municipal institutions, and for the association of natives and Europeans to a greater extent than heretofore in the administration of affairs." So to give effect to this policy a portion of the funds raised in the province was given to local committees in the rural areas. Side by side, the number of municipalities was also increased.

In 1882 Lord Ripon's Government issued its famous Resolution the object of which was thus stated: "It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that in course of time as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow".

The intention of Lord Ripon's Government was to spread a net-work of Local Boards entrusted with definite duties and funds for the discharge of their functions, both in rural and urban areas. They were to have a large proportion of non-official members. They were to have real power placed in their hands. The boards were to have, as far as possible, their own elected chairman.

The number of local boards was then progressively increased and the scope of their activities extended. The Decentralisation Commission of 1907-1909 made several recommendations regarding the powers and functions of

the various kinds of local bodies. These were considered by the various provincial governments after which the Government of India published its Resolution on Local Self-Government, 1915. It broadened the functions of the boards. In 1918, the Government of India published another Resolution which (1) aimed at making the local bodies more representative; (2) gave these bodies a large majority of elected members, nominations to be confined to give representation to special communities and interests; (3) allowed the municipalities to have, ordinarily, elected chairmen; (4) gave the municipalities greater freedom of taxation within their jurisdiction; (5) empowered local bodies to have freedom in the budgets; and (6) relaxed outside control over the board, to a great extent. The resolution was given effect to immediately.

Principal Anand thus sums up, in an admirable manner, the stages of the development of local self-government bodies and their short-comings : "The extension of Local Self-Government was advocated by Lord Ripon's Government chiefly as an instrument of political and popular education. The Municipal and Rural Boards were intended to afford a field in which Indians might be trained in the management of public affairs. In pursuance of this plan net-work of local bodies was set up all over the country but the hopes entertained in them were hardly fulfilled. The achievements made during the thirty-six years that followed the Local Self Government Resolution of 1882 were scarcely adequate. The educative principle and the avowed policy of directing the growth of local bodies from without rather than from within were sacrificed to the desire for immediate results and efficiency. The presence

of official element on the boards had been prolonged to point at which it impeded the growth of initiative and responsibility. The local boards were ill-equipped with funds and this formed a great obstacle to success of the institutions. The principle of election was not sufficiently developed and the complaint continued that electorates as well as members were apathetic. There was large official control both inside and outside the local bodies. The boards had practically become departments of Government administration. The Resolutions issued by the Government of India led to no marked improvement since they left the degree and pace of progress to be determined by the Provincial Governments who alone were supposed to possess the requisite knowledge of local conditions."

After the Reforms of 1919, the subject of Local Self-Government was transferred to the control of ministers responsible to the legislatures. Naturally, the ministries devoted great attention to the reform and extension of the system of local self-government. They extended the franchise, enlarged the strength of the boards and increased their powers. Since then an average citizen began to take greater interest in the affairs of the board under which he lived. The ministries, in several provinces, introduced the Village Panchayat System according to which village panchayats were established and village sanitation Acts enforced.

There are at present various kinds of Local Self-Government bodies like the District Boards, the Municipal Boards, the Taluka Boards, the Town and Notified Area Committees, the Village Panchayats, etc. We may study

here the composition, powers and functions of some of them in order to get an idea of how people are enabled to look after their local affairs.

The District Boards—The District Boards have been established in all provinces of India as the largest units of rural local administration. At present there are some 207 district boards throughout India, of which 48 are in the United Provinces. In many provinces there are, below the district boards, sub-district boards or taluka boards, numbering 584 in the whole country. In the Madras Presidency there are, besides, 455 union boards.

Thanks to the efforts of the ministries after 1919, the district boards are now almost entirely manned by Indians who form 96 percent of the total membership of these boards; only 11 percent are officials of any kind. The large majority of members are elected on a wide franchise. In the United Provinces, Bombay and Assam, the Mohammedans have got separate communal representation through their own communal electorates, while in other provinces they get representation, if not already obtained through direct elections, by means of nomination. A few members are nominated to secure the representation of special interests or communities. The District Boards elect their own chairmen, vicechairmen, and members of committees with definite powers and functions. The chairman looks after the general administration of the board, and exercises appointing powers to a fixed extent. He may be removed by a vote of no-confidence passed in him by the Board under certain circumstances.

Each district board has a Secretary (the chief Executive Officer), a district health officer, an engineer and a large

number of other staff—clerical and menial. The board holds its meetings every month or even oftener when necessary. Members are entitled to ask questions to get information, or move resolutions. It prepares its budget which is subject to the final sanction of the Government.

The functions of a district board are exercised in the rural areas in the district and include vernacular and primary education for which purpose it maintains a large number of schools with a huge staff of teachers in the district; public health; and medical relief for which it has a number of dispensaries, Allopathic Ayurvedic and Unani, throughout the district; public works including the construction and maintenance of roads and bridges. The board appoints committees to look after the administration of each department. Of these committees the most important is that which looks after education.

Regarding the finances of the district boards, it may be said that the most important source of revenue of each district board is the grant it receives from the provincial government. This grant is often times given for definite purposes like education, medical relief, etc. Sometimes the Government gives to a District Board special non-recurring grant to enable it to carry out new schemes of public welfare. Another important source of revenue of a district board is the rate and cess levied on agricultural land in addition to the land revenue. This rate or cess is paid by the Zamindar or the tenant directly into Government treasury from where it is sent to the board concerned. Other sources of revenue are receipts from cattle prundi; tolls from vehicles, ferries and bridges; income from markets, shops and other property of the

board like the crops of fruits from road-side trees; etc.; educational fees and other contributions. The chief items of expenditure are: General Administration; Education; Agriculture and Aborigines; Public Health and Medicine; Public Works and Repairs; Pounds and Veterinary; and Famine Relief.

Experience has shown that the income of a district board is utterly inadequate to meet its needs. That is why we find that no board has so far been able to render complete or satisfactory relief to the people in rural areas either in sanitation and health or by making primary education more extensive, useful and substantial, while compulsory and free primary education in the villages is still a dream.

In case a district board is found mis-spending funds or not conducting its administration properly and well, it is superseded by the Government and all its administration is then done by the district officer with the help of an advisory committee, if necessary. Such cases of maladministration and supersession of boards have occurred in many places.

District board may be made useful institutions for the service of the rural population, if worked efficiently. But it is a matter of great regret that people do not evince much interest in their working, partly because the franchise is still narrow and partly because there are loop-holes for favouritism and jobbery which often lead to the formation of parties, both on communal and personal lines. Because of this the administration suffers. Another defect at the present time is the close fist policy of the Government in

the matter of giving grants to these boards, and for this reason many a beneficial scheme is never worked out. It is, therefore, necessary that more funds be placed at their disposal, particularly for educational purposes; their functions and powers, including the power to levy small taxes, be increased; the franchise must be made much wider than at present; care should be taken to enforce regularity and efficiency of administration through proper state control.

Village Panchayats:—These are the smallest units of rural administration recently introduced in some provinces. They are as yet confined to a few areas only and have not yet been made obligatory. When people of a particular area express their desire for having a village panchayat, it is introduced there. A village panchayat consists of a number of *Panches* elected by the people of the village or a group of villages, for a term of three years. One of these panches, who is literate, is elected as the sarpanch who presides over the meetings of the Panchayat, keeps the records of its proceedings and activities, maintains accounts of its income and expenditure and acts as the medium of cooperation between the Panchayat and the district magistrate who is the controlling authority over the Panchayat on behalf of the Government.

In the United Provinces, Panchayats were first established by an Act of the U. P. Government in 1920. The chief function of a village Panchayat is to protect the rural masses against wasteful litigation and to train them in the elementary lessons of self-rule. That is why adult franchise for the election of the *panches* has been introduced.

A Panchayat hears and decides petty cases, both civil and criminal. It can decide civil suits in which the amount involved does not exceed rupees fifty; in criminal cases it can impose a fine upto rupees twenty. Decision in a case is arrived at by a majority opinion of the *panches*. Whenever a person desires to file a suit, criminal or civil, in a village Panchayat, he approaches the *sarpanch* who takes down the plaint on receipt of a fee of five annas. He then issues summons which are served through either a part time or whole time servant of the Panchayat, as the case may be. Then on the fixed day the parties appear before the Panchayat and lay their facts and arguments before it. The Panchayat then finally decides the case. No appeals lie to higher authorities from the decisions of the Panchayat but an aggrieved party may approach the district magistrate if it thinks that deliberate injustice has been done to it or that the Panchayat, either whole or part of it, was inimically inclined towards it. In such cases the district magistrate makes investigations and gives his final decision.

Sources of income of the Panchayat are fees received from the litigants, fines and grants from local Government. In many cases the Panchayats have been empowered to administer the Village Sanitation Act and the Cattle Trespass Act. They also look after the repairs of village paths, wells and other objects of common welfare. They have not yet been given sufficiently wide powers so as to take up the work of elementary education. Their powers should be extended both in quality and quantity. But there should be established, simultaneously, a certain check upon any possible corruption that exists or may exist in them. At present, in some cases the Panchayats have

encouraged litigation on petty matters, either on the instigation of a *panch* or *panches* who for personal malice or motives wish to harm a particular party, or because the cost involved in filing a suit is small and a plaintiff may cause enough worry to a defendant even for a bad suit. These defects must be remedied by proper amendment of the Act.

The Panchayats must be given more funds to be spent upon beneficial objects like proper maintenance of *kachcha* roads connecting villages, repairs, and even construction, of *pucca* wells to supply drinking water to the villagers, and for free distribution of medicine in times of epidemic. It must be remembered that the greatest need of India at the present time, and also for quite a long time to come, is the improvement in the conditions of life the rural areas. The Village Panchayats can undoubtedly render useful service in this direction provided the Government makes use of this machinery. As yet, however, the State has not done what it ought to and what it could, to make the panchayats very useful and beneficial institutions.

The Municipal Boards.—These are the bodies through which local self-government is run in the urban areas. They are established under Acts of the Provincial Governments. At the present time, in India, there are 781 municipalities, and within their limits about 21 million people live. There are 71 of them with a population of fifty thousand or over each, the rest having less than fifty thousand persons each. Bombay Presidency has the largest percentage of persons living under municipal limits, the actual figure being 20 percent of the total population of the presidency; while in

Assam the percentage of the provincial population living under municipalities is only four, this being the least for India. In other provinces the percentage varies from 4 to 9. The total income of the Indian municipalities is about 38 crores of rupees per year.

Regarding the general nature of the composition of municipal boards, it is estimated that about seven percent of total members are *ex-officio*, about twenty-five percent are nominated, and the rest are elected. The big towns of Calcutta, Bombay, Madras and Karachi have got Municipal Corporations with larger powers and autonomy than other municipalities.

In the United Provinces the number of municipalities is 85.

The chief functions of a municipal board are of two kinds, obligatory, which every board must perform, and discretionary or optional, which a board may perform if it can. The former kind includes education (the opening and maintaining of primary and other schools, and the introduction of compulsory education if the board has funds and wants to introduce compulsion); public health, including cleaning of streets, supply of pure drinking water, maintenance of dispensaries, watering of streets, construction and maintenance of such works as promote better sanitation and health; registration of births and deaths; vaccination; lighting of streets; regulation of dangerous professions, etc. The optional functions include construction and maintenance of recreation grounds, health resorts, public baths, parks and gardens, libraries and reading rooms; relief work in times of distress or calamities; holding of fairs exhibitions and markets; construction

and maintenance or subsidising of means of transport within municipal limits; supply of pure foodstuffs; etc.

A Municipal Board consists of a large majority of elected members, the rest being nominated. For purposes of election, the town is divided into wards, each ward being assigned a number of representatives. In the United Provinces, the Muslims have been given separate representation on the municipal boards, through separate communal electorates. At present in the United Provinces the normal term of a municipal board is five years. The Board elects its own chairman (he may be a member of the Board or an outsider, in the latter case he *ipso facto* becomes a member after his election as chairman), its own vice-chairman, and a number of committees each of which is put in charge of a department. The most important committee is the Education Committee which administers, subject to the final authority of the Board, the educational institutions established and maintained by the board. The other committees are the public works committee, water works committee (where water works exist), the lighting committee, assessment committee, etc.

The Board holds its sittings as often in a month as the work demands, and decisions are arrived at by majority opinion. The Board has a paid Secretary, an Executive Officer, a Health Officer and a large number of other officers and clerical and menial staff.

The sources of revenue of a municipal board are: government grant, income from municipal property, fines and taxes. A municipal board may impose taxes on,

(1) buildings and landed property on the basis of its annual rental; (2) trades and callings; (3) vehicles and animals; (4) export and import of goods from and into the municipal limits; (5) water supply where this is done by the board; (6) scavenging; (7) circumstances; (8) pilgrims (in certain boards); (9) sanitation, etc.

A municipal board prepares its own budget the main items of expenditure in which are: General Administration, including collections of taxes; Lighting; Public health and convenience; Public instruction, including expenditure on its own schools, grants to other schools and colleges within its limits, grants to libraries, museums, etc.

When the provincial government finds that a municipal board is not spending money properly or that its administration is suffering in spite of repeated warnings, it may supersede the board for such time as it may think proper.

Town Areas.—In addition to municipal boards, there are town committees set up for those towns which are too small to have a municipal board but are sufficiently large to have a local body for administration of local matters of a municipal nature. For such town areas, the town area committees are established. They are elected bodies and have their own elected chairmen. Their functions are limited to sanitation, lighting, general health, and education. They levy small cesses. All proceeds from these cesses, rent from nazul lands, contributions made by district boards to the town committee, and grants from local government from the sources of income of the town area for which a town funds is maintained. The work of these committees is subject to the general control of the district magistrate.

Cantonment Boards.—In towns where there are cantonments, cantonment boards are set up to carry on the duties of municipal boards within the areas of the cantonments. These boards work subject to the authority of the Army Department. Their general functions are almost the same as those of municipal boards.

Town Areas.—Again in certain districts there are towns which are not included in the municipal or town areas, but for which it is considered desirable that there must be some provision for better amenities of life to the citizens, which can be done by a local body. These areas may be declared by the provincial Government as notified areas. For each notified area a committee is set up to discharge what may be termed as municipal functions. It gets grant from the Government, income, from its own property and some revenue from tax which it can impose.

Such are, in brief, the kinds of local bodies through which the Indian citizens, in the urban and rural areas, are taking part in the administration of local matters.

General Remarks on Local Self-Government in India.—The chief objects of establishing local self-government institutions in any country are four. Firstly, there are strictly local matters and problems the administration of which can be successfully conducted by persons directly acquainted with the local conditions, as they are intimately concerned with those problems. Secondly, efficiency of administration in general lies in the complete satisfaction of the daily wants of the citizens; and as these wants differ from locality to locality it is but fair that there should be bodies composed of persons from a particular

area, entrusted with the management of their own affairs. Thirdly, the work of governing a country requires expert persons who are experienced and adept in the art of government, and such experience and political education is best learnt by working on local bodies. In this way local self-government is merely a prelude to the general governance of the country. Finally, the growing needs of society in this age of scientific progress and economic development, leave little time to the central general government of a country to administer to the special needs of localities. Hence for purposes of administrative efficiency, the system of decentralisation, including within its scope power to make laws, enforce laws and raise and spend money, is the first necessity of a well governed State.

But for the success of local-self governing bodies certain conditions are necessary. It is in these bodies that an average citizen gets an opportunity to learn the lessons of self-government. This necessarily requires that he must have developed a true civic sense and conscientiousness to discharge his responsibilities to the people of the locality in which he lives. Such sense is developed by sufficiently high standard of education. Unfortunately, however, in India the general level of education of the citizen is still low. Not only are the mass of the people—about 90 percent of them—illiterate, but even those who are literate have not received the proper kind of education. Lessons in fellow-feeling, cooperation and advantages of neighbourly relation are not at all taught to them. Their general outlook of life is still so narrow that most of

them cannot see beyond their communities. No doubt, much of this lack of a nationalistic out look is due to the system of government, predominated by foreign element having little sympathy with the aspirations of the people. Still, it is the duty of the leaders of public thought to emphasise the need of developing high ideals of nationalism and suppression of communalism as much as possible. The disadvantages of communalism in local bodies are patent. "It has tended to prevent the employment of the fittest persons in administrative posts, and factions quarrelling has in many instances occupied the attention of the members to the exclusion of all other considerations. It is clearly the greatest obstacle to the development of a sense of common citizenship, which is the necessary basis for healthy civic life."

Appointments in local bodies must go by merit, the fittest being given the posts. Unfortunately, such has not been the case in India. No doubt, in all countries of the world such corruption prevails, and India could be no exception. But in our country, the presence of a tense communal feeling has aggravated the evil of corruption. On matters of appointments in the District and Municipal Boards, members often divide themselves into communal or caste groups, with the result that final appointments are made not on merit but by favouritism. Most of the chairmen of these local boards have been found wanting in properly discharging their duties. They have themselves been responsible for jobbery. "There have been.....a number of cases of corruption and certain instances where very large sums have been expended in order to obtain

seats on local governing authorities, which suggest that those who expended such large amounts expected to be able to recoup themselves from illicit gains."

The general electorate has evinced very keen interest in the elections to local bodies. They have often exercised their franchise with great caution and intelligence though the entranchised people are still a small minority. They have, however, lacked proper leadership. Recently, with the Indian National Congress taking an active part in the elections to local bodies, there has been a definite move towards the better. The number of local bodies, particularly of the Panchayats in the villages, is still very small and consequently larger part of the rural area is as yet, without the benefits of these institutions. The State must devote more attention to the establishment of such bodies.

The success of the District and Municipal Boards depends upon two important factors, viz., selfless work by the members of the boards, and independence and security of tenure enjoyed by the officials of the boards. Unfortunately, our experience so far has not been very happy. Quite a large proportion of the members seek election to the boards to serve their own ends—to get their own relations appointed to services, to get contracts from the bodies, etc. Cases of such corrupt practices have often been discovered and the members concerned removed from membership and disqualified from seeking re-election. But such detections have not eradicated the evil. Several remedies have been suggested to improve matters. It is suggested that the franchise must be widened and all

adults, male and female citizens, be given the right to vote. Such a large electorate will not be easily bribed by a candidate seeking election. Secondly, associations of rate-payers or voters should be formed to hold meetings, at which the board members should explain how they are serving their constituents. Thirdly, some provision must be made for the recall of members disliked by the voters.

It has also been observed that members of a board sometimes try to obstruct work by moving votes of no-confidence in the chairman who is the most important figure in the institution of local self-government, because he exercises large powers and directs the whole machinery. Such tactics by the members create deadlocks in administration, leading to supersession of boards by the Government. Recently, in the United Provinces, stricter rules have been made by the Provincial Government to prevent the moving of spurious votes of no-confidence.

At present the tenure of office of all paid officials of the boards, including executive officers, secretaries, health officers, engineers, etc., depends upon the pleasure of the boards. This means that these officials have to keep the members of boards pleased and humoured, by obliging them in various ways. Once an influential member is displeased with any of the paid officials, he tries to form a group of members with the avowed object of removing the official from his post. Such insecurity of office leads to inefficiency of administration. This defect can be removed by provincialising all these important services and making them transferable from one board to another. Such a

reform will ensure security of service to the incumbents who would be independent in the readministrative work.

Till now state control over the District and Municipal Boards is exercised through the Inspectorate of the Education Department, the Divisional Commissioners, and the Public Health Department. The efficiency of this control is very much minimised by the dependence of the officials on the pleasure of the members, and by the restricted number of voters. As soon as the important services are placed under Provincial Public Services Commissions; and adult franchise is introduced, the present form of State control over local bodies will prove more beneficial and effective than it has hitherto been. And we shall not hear of many boards being superseded by the Government.

It is also necessary that the powers of all these local bodies should be increased; the government must give larger sums as recurring and non-recurring grants to enable bigger and more useful schemes to be given a practical shape. But at the same time measures must be devised to ensure greater efficiency in administration and the rooting out of all corrupt practices by stricter State control over the local bodies.

That the real happiness of the average Indian citizen is closely connected with the efficiency of administration of local bodies cannot be disputed. But as yet ample State efforts have not been made to make these bodies responsive to the needs of the people. There is, therefore, great scope of improvement in these affairs.

QUESTIONS

1. What do you understand by Local self-Government? Name the various units of local self-Government functioning in your province.
2. Describe the structure and functions of either a Municipal Board or a District Board.
3. State the sources of income and heads of expenditure of a Municipal or a District Board.
4. What are the powers and duties of village Panchayats in the United Provinces? Make some suggestions to make them more useful.

CHAPTER XII.

PUBLIC SERVICES IN INDIA

Introductory.—The real spirit of the administration of a country depends not so much upon the letter of the law as upon the way in which the official class, the large number of the members of the various services, carry out the policy of administration, for it is these services that come into direct contact with the citizens, and not the cabinets or presidents. Ever since the establishment of the British rule in India, there has been a steady growth of the services of various kinds and grades; and the history of their development indicates the manner in which this rule has acquired a firm foothold in the country.

When the East India Company started its trade with India and established its factories in different places, it had to employ a large number of officials, clerks and writers. In the beginning all these were appointed by the Directors in England. It was in this way that Clive, among others, had been appointed, and his phenomenal rise to power in the service of the Company is an example of the fittest rising to high positions in its service. From 1765 to 1772, when the Company had acquired Diwani rights in Bengal, the work of collecting revenues was done through the agency of Indian officials employed by the Company. But in 1772 the Directors decided to employ their own agency of British officials to exercise the administrative powers. Warren Hastings, therefore, started the policy of employing only Europeans to places of power and responsibility, with high emoluments, and

sixth of the posts in Civil Service would go to Indians, but this did not give any appreciable relief, for not more than six Indians per year could enter the Covenanted Services. The Government of Lord Dufferin appointed the Public Services Commission, consisting of fifteen members (of whom five were Indians) besides the President and Secretary, with a view to devise some scheme whereby Indians could be given better opportunities of entering the Covenanted Services. Although the question of holding simultaneous competitive examinations in England and India was pressed before the commission it was finally dropped due to the opposition of the officials, particularly Europeans and the Mohammadans on the ground that the holding of examination in India might be more advantageous to some communities than to others. Three of the Indian members of the Commission, however, recorded their dissent against this decision. But the other main recommendations of the Commission were given effect to. According to these, the age limit for the Civil Service competition was raised to twenty-three years. The Services were classified into four groups, Imperial, Central, Provincial, and Subordinate. The Imperial Services were to be recruited by the Secretary of State in England, and persons so recruited were to serve under all departments of the Government of India, and also to occupy some posts under Provincial Governments. The Central Services were placed under the Government of India for recruitment and control; and persons so recruited were to serve in some of the Central Government departments like railways, posts and telegraphs. The remaining two groups of services were to be recruited and

controlled by the Provincial Governments. Naturally, Indians got opportunities of occupying only the latter class of services which were not highly paid, while in the first two they could complete but due to the methods of recruitment only few of them could succeed.

The obstacles in the path of Indians entering the higher services continued, and when in 1892 (January 1st) Mr. Mac Neil moved in the House of Commons an amendment to the address to the Throne stating "and we humbly regret that Your Majesty's speech from the Throne contains no proposals for redeeming the pledges so frequently given by various Governments that natives of Great Britain and natives of India should be placed on terms of equality in the matter of appointments in the public service and in facilities in competing for such appointment," there was a great opposition to it, led by the Under Secretary of State for India who stated that ever since the Queen's Proclamation of 1858, the Government had consistently done everything possible to redeem the pledge. In what manner, no body could say.

The Indian National Congress continued to press the demand for giving greater facilities to Indians to enter the Civil Services, and for the holding of the Civil Service Competitive examination simultaneously in England and India. It was discovered that despite the pretensions of the Government that Indians were being treated on terms of perfect equality with Europeans and Anglo-Indians in the matter of appointment to higher posts under the Government, there was really great disparity, e. g., on 1st April 1913, out of 4,042 posts carrying a salary of

rupees five hundred and upwards per month, Indians occupied only 942, i.e., 19 percent.

Lord Hardinge succeeded in getting appointed a Royal Commission on Public Services in India to report on the general methods of recruitment; conditions of salary, leave and pensions, requirements of the services; and the restrictions that existed about the recruitment of non-Europeans. The Commission submitted its Report in 1915, but due to the continuance of the War it was not published till January 1917. Action on its recommendations was, however, postponed till the termination of War, when the Reforms of 1919 were introduced. Civil Service Examinations were then allowed to be held both in England and India and a progressively increasing proportion of Indians was decided to be taken into the Services. The Simon Commission to made certain recommendations about them and the Government of India Act, 1935, altered the system of recruitment, control and conditions of Services to a great extent. It must be mentioned here that during the period 1919—1935 several important changes in the services were made in response to the recommendations of the Lee Commission (1924).

The Lee Commission was primarily concerned with the following. All India Services and their strength at the time of its report:—

| | <i>Service</i> | | | <i>Strength</i> |
|----|--|-----|-----|-----------------|
| 1. | Indian Civil Service | ... | ... | 1,350 |
| 2. | Indian Police Service | ... | ... | 732 |
| 3. | Indian Forest Service (including the Forest Engineers Service) | | | 417 |

| Service | Strength |
|---|----------|
| 4. Indian Service of Engineers (comprising an ... Irrigation Branch and a Roads and Buildings Branch) ... | 872 |
| 5. Indian Educational Service ... | 421 |
| 6. Indian Agricultural Service ... | 157 |
| 7. Indian Veterinary Service ... | 54 |
| 8. Indian Medical Service (civil) ... | 420 |

The first three, and Irrigation Branch of the fourth, were working under the reserved side in the Provinces. The Lee Commission recommended that their recruitment and control must continue to remain in the hands of the Secretary of State for India. The remaining services operated in the transferred side of the Provincial Governments. With regard to these, excepting the Indian Medical Service (which was to continue under the Secretary of State), the Lee Commission recommended that in future they should be provincialised, i.e., their All India status be abolished. While those who were in these services at that time were allowed to enjoy the old privileges of conditions of service and control, the new entrants were to be recruited by the Provincial Governments who were also to control them. In short, for future these services became provincial.

The other recommendations of the Lee Commission, which excited extreme opposition from non-official Indians, gave to the European element in the All India Services extra privileges and concessions with regard to passage, pensions, leave, etc. The effect of these recommendations was heavier expense at a time when the country needed more money for nation-building departments, particu-

larly the extension of education, and sanitation. But the Secretary of State did not heed this and gave the services all these advantages. The Commission, however, accepted the desirability of increasing Indianisation of the Services and recommended that increased proportion of Indians be taken into them.

The Defence Services of India.—The earliest history of the defence services in British India begins with the establishment of the East India Company's factories when it had to employ a number of peons and *chowkidars* to keep watch over the godowns and property of the Company. Whenever the Company needed soldiers for protection against attacks detachments of them were received from England.

But the fight for supremacy in India between the English and the French necessitated the keeping of regular armed forces by the East India Company. Each Presidency was, therefore, allowed to have an army for the protection of the Company's possessions. With the increase in the extent of the Company's possessions, the strength of its army also continued to increase till it was reorganised in 1796, when the total strength was 13,000 European troops and 67,000 Indian Infantry. From that time till the mutiny of 1857, the army of the Company increased both in volume and importance. It had to suppress internal rebellion and also to go on expedition outside India, from time to time. Lord Kitchner further reorganized the Army in India on modern lines; and in 1920 India was divided into four military commands, each under a General Officer Commanding.

The present system of *Army Administration* in the

country has at its head the Secretary of State for India whose responsibility to Parliament for the defence of India is direct. His principal advisor on military questions is the Secretary in the Military Department of the India Office.

In India the position with regard to the army is this: The superintendence, direction and control of the military government of India is in the hands of the Governor-General in Council. Even under the Federal Scheme he is to continue his control over the Army almost up to the same extent as heretofore, because Defence has been declared a subject of his special responsibility for which he will have his own counsellors not subject to the control of the Federal Legislature. There is a military Council with the Commander-in-Chief as its president and the Under Secretary in the Defence Department as its Secretary. There are eight more members most of whom are the highest military Officers next in rank to the Commander-in-Chief. "It is mainly an advisory body, constituted for the purpose of assisting the Commander-in-Chief in the performance of his administrative duties". The Commander-in-Chief is the real head of the military department. Under him are the four General Officers Commanding in-Chief each of whom is in charge of one of the four military Commands (Northern Command, Western Command, Eastern Command and Southern Command) into which the country is divided. Then there are various grades of Commissioned Officers. There are two kinds of commissions in the Indian Army, the King's commission and the Viceroy's commissions. King's Commission has also been thrown open to Indians since the War of 1914-18.

The Royal Air Force in India is also under the command of the Commissioner-in-Chief of India. A beginning has also been made for the constitution of a Royal Indian Navy.

The Commissioner-in-Chief is at present a member of the Viceroy's Executive Council, but after the establishment of the Federation he will not retain its membership.

The Army in India is composed of two branches, the British forces and the Indian forces.

Although Indian public opinion had for long been demanding complete Indianisation of the Army so that Indians might be able to defend their own country against any possible external attack, and so that India might become fit for enjoying complete Dominion Status to the extent of controlling the whole internal administration, the demand has not yet been sincerely conceded. Sometimes the British Government advanced the argument that the problem of the defence of India, particularly on the North-West Frontier, was intimately connected with the question of Imperial defence, and at other times they said that such Indianisation could be done slowly. In 1923, Lord Rawlinson, then Commander-in-Chief of India, announced a new scheme of Indianisation of the Army (*i. e.* Officers Ranks), called the Eight Units Scheme. Under this scheme, "five infantry battalions, two cavalry regiments, and a pioneer unit were selected, to which Indian officers holding commissions in the Indian Army were to be transferred and posted so as to fill up the appointments for which they were qualified by their length of service," till ultimately all officers in them were Indians. This complete Indianisation of those units will not be achieved till 1946.

The Skeen Committee, appointed in June 1935, submitted its report in November 1926. According to its recommendations the number of vacancies to be filled up by the appointment of Indians in the officers' ranks was to be doubled, and more Indians were to be taken for military training at Sandhurst, Woolwich and Cranwell. Some of these recommendations have been given effect to. An Indian Military Academy (school) has been opened at Dehradun where boys are admitted after a competitive examination. They undergo military training and are then appointed to Commissioned ranks in the Army. Even then the pace of Indianisation of the Army is extremely slow. And it is one of the greatest of grievances of the Indian leaders that the British Government is not preparing Indians to take up the defence of their own country, despite the fact that during the Great War Indian soldiers and officers acquitted themselves so well as to excite the admiration of the whole world. Since the outbreak of the Second World War in September 1939, Commissions in all the three arms of the defence forces, viz., Army, Navy, and Air Force, have been thrown open to Indians but only as a temporary measure.

It was in 1911 that the announcement was made that in future Indians would be eligible for Victoria Cross for military glory and bravery. During the first world War, twelve Indians won this Cross. In this war also Indians have been awarded the Victoria Cross for bravery and chivalry.

The All India Services:—The Services recruited, controlled and otherwise looked after by the Secretary of State for India are the Indian Civil Service (I. C. S.), the Indian Medical Service (I. M. S.) in the Civil Side, and the

Indian Police Service, (now called the Indian Police). The Secretary of State makes all rules and regulations regarding their appointment, conditions of service, and discipline including suspension and dismissal. Examinations (competitive) for the recruitment to the Indian Civil Service and the Indian Police are held simultaneously in England and India, and in the latter case they are done under the guidance and control of the Federal Public Service Commission.

The number of posts of each of these services is also to be determined by the Secretary of State, including the proportion of recruitment of Indians, and the number of vacancies to be filled up as a result of the competitive examination held in India. He may also make any appointment to any civil service or post in the Irrigation Department in order to secure efficiency.

All rules made by the Secretary of State for these services are to be laid by him before each House of Parliament, and if either House may, within twenty-eight days subsequent to receipt of the rules, resolve that a particular rule or rules be annulled, the rule or rules so declared shall become void.

Appointments to judgeships of the Federal Court or any High Court in British India are made by His Majesty in Council and not by the Secretary of State.

Appointments in the Political Department of the Government of India in relation to the exercise of the relations of the Crown with the Indian States, will be held during His Majesty's pleasure, but the rules governing their conditions, emoluments and actual appointment will be made by the Secretary of State with the concurrence of

his advisers. These provisions are laid down in the Government of India Act 1935.

Public Services Commissions.—The Act of 1935 provides that there shall be a Public Service Commission for the Federation and a Public Service Commission for each Provinces, provided that two or more Provinces may agree that there shall be only one Public Service Commission serving their needs. The Public Service Commission of the Federation may, when requested to do so by the Governor of a Province and with the approval of the Governor General, agree to serve all or any of the needs of a Province.

Each Public Service Commission, whether of the Federation or of a Province, has a chairman and each number of other members as may be determined, by the Governor-General for the former and by the Governor of the Province concerned for the latter, appointed by the Governor-General or the Governor, as the case may be, acting in his own discretion.

Each of these commissions performs the duty of holding examinations for appointments to the services of the Federation or the Province, as the case may be. The Commission concerned is consulted on all matters relating to methods of recruitment to civil services or posts; on the principles to be followed in making such appointments, transfers or promotions from one service to another; on all disciplinary matters affecting a person serving His Majesty in a civil capacity in India; on any claim preferred by any person who is serving or has served His Majesty in a civil capacity; on any claim or award of pension.

The institution of Public Services Commissions guarantees the appointment of only the qualified persons (as a result of open competition or such test as may be prescribed), to services under the Government. It does not permit undue favours or partiality to be done in the matter of appointments, a necessary requirement for the recruitment of the deserving candidates only.

A Public Service Commission notifies from time to time the number of vacancies to be filled up in a particular department; it prescribes the qualifications required of the candidates and the syllabuses for the various competitive examinations, conducts the examinations and declares the results.

The Central Services.—As the jurisdiction of the Central Government of India has been prescribed by the Government of India Act, the Government recruits, through the agency of the Federal Public Service Commission, candidates for appointments to services in its various departments, e. g., admission to the Indian Military Academy, Dohradun, the posts and telegraphs department, (through the Federal Railway Authority) the State Railways, the Salt and Opium, Income Tax and the like departments, and to the Secretariat.

Several posts in the various departments of the Government of India are reserved for the members of the All India Services recruited by and under the control of, the Secretary of State for India. But apart from these posts there are quite a large number of posts filled up each year in the various departments of the Central Government, all of which are now filled up by the Federal Public Service Commission.

The Act of 1935, however, lays down certain safeguards

for the interests of the European and Anglo-Indian Communities in the various services under the Central Government, like the Railways, the posts and telegraphs. At present the Domiciled Europeans and Anglo-Indians have a preponderating share in the higher posts of these departments, and it was in response to the demands of these communities for safeguarding their interests in services that the Act has made such a provision in their favour.

The Provincial Services.—With the establishment of provincial autonomy in the various provinces with effect from the 1st of April, 1937, the provinces have acquired a larger hold over their services. Moreover, their responsibilities have been increased and popular control over the administration has been secured. This has resulted in an increasing amount of work relating to the appointments to public services under the control of the provinces. For this purpose all the major provinces have established their own Public Service Commissions, while the smaller provinces like N. W. F. P., Sind and Orissa have made arrangements to recruit candidates for their services, through the agency of the Public Service Commissions of the neighbouring provinces.

The public services under the control of the provincial governments are generally of two kinds, provincial superior services, and subordinat services. This kind of general classification is applicable to almost every department of the provincial governments.

Before describing in some detail the public services in a province, a word may be said about the services over which the provincial governments

have no control, but which, for all administrative purposes, are under a provincial government. The judges of the High Courts are appointed, and removable, by His Majesty in Council. Certain other high posts, in several provincial departments, are reserved for members of the All India Services recruited and controlled by the Secretary of State for India *e. g.*, a Certain number of the High Court Judges, Divisional Commissionerships, Membership of the Boards of Revenue, posts of Civil Surgeons to a certain number, posts of District Magistrates, Secretaries to Government, Superintendents of Police, posts of Assistant Superintendents of Police. In the Education Department all superior Posts, on the retirement of the present incumbents who are members of the former Indian Educational Service, will be filled up by members of provincial educational service.

For almost each department under its control, a Provincial Government has a number of grades of services from the provincial rank down to the lowest subordinate service.

In the Medical Department, the provincial services are filled up by candidates having Medical degrees of recognised status. Incumbents of these posts are generally called Assistant Surgeons. Below them are members of the subordinate medical service, called sub-assistant surgeons who either hold a medical degree or a medical diploma.

In the Judicial Service, the lowest grade of service in Munsifship The Public Service Commission recruits Munsifs by holding competitive examinations. The next higher grade, additional district or civil judge, is filled by promotion from amongst the senior Munsifs. Similarly district

judges, the next higher grade posts, are appointed by promotion from the additional judges. A certain fixed number of District and Sessions Judges are appointed from amongst the I. C. S. people for whom those posts are reserved.

In the Educational Department, members of the Provincial Services (A and B grades) are appointed partly by direct recruitment and partly by promotion from amongst the senior members of the Subordinate Educational Service. The Subordinate posts are filled up by direct recruitment. The Universities, being autonomous bodies, make appointments to all their posts through their own agencies.

In the executive line, the provincial services men hold the posts of deputy collectors, recruited partly by competitive examinations, and partly by promotion from amongst the subordinate services. The posts of Commissioners as also a certain number of the posts of District Magistrates, are reserved for members of the I. C. S. Senior Deputy Collectors are promoted to the posts of district magistrates. Below the provincial civil service are the subordinate services consisting mainly of Tahsildars and Naib-Tahsildars filled partly by direct recruitment, and partly by promotion from the junior posts.

The Forest Department having been completely transferred to the control of provinces, the services, both of the provincial and the subordinate cadre, are filled by holding competitive examinations, the successful candidates being required to undergo training. Similar practice is adopted for recruitment to other provincial services like engineering, veterinary, registration, co-operative departments, etc.

General Remarks on Public Services in India.

—Till the introduction of the system of competitive examinations, particularly through the Public Service Commissions, most of the posts were filled by direct nomination either by the heads of governments or heads of departments. At that time recommendations of highly placed persons counted in preference to merits of candidates. This had created great discontent and resentment. Happily this system has now been replaced by one in which merit alone is the criterion and under which all persons, from whatever status of society they might come, have a reasonable chance of getting into the public services.

No doubt, the Services in India have contributed very largely to the efficiency of administration—efficiency, however, does not necessarily mean happiness of the people—during these nearly two hundred years of British rule in India; they also created a system of bureaucratic rule in which, till recently, a large share in the shaping of policy of administration was taken by these services. Those who occupied the highest or higher posts did not come into contact with the masses in India, therefore the administration could not administer to the real wants of the people.

Indians had for a long time been deprived, either by rules or by methods, of the chance of entering in sufficient numbers the public services of their country, of higher grades and emoluments. Even now quite a large number of higher posts are held by non-Indians, which is no credit to British rule in India.

The public services in India are too highly paid, out all proportion to the economic conditions.

of the country. One important reason of this top heavy system is that from the very beginning of their rule in this country, the British reserved all important posts for Europeans who would not serve in a foreign country—in a tropical country like India—unless the emoluments of services were particularly attractive. Hence the administration became top-heavy. Later on, the same policy was continued even though Indians began to be admitted to service, because the number of Indians taken into higher posts was very small. Moreover, in almost all public services of high grades, when non-Indians are appointed they get special overseas allowance which, in the beginning of the career of a new entrant, sometimes equals his salary. Two evil results follow from the fat salaries; firstly, the system leads to economic drain of the country because these high officials, when they retire, go back to their respective countries with huge earnings to be spent there, and also because the high cost of administration does not permit spending of funds upon beneficial objects like the expansion of education and the development of Indian industries. Secondly, the best intellect in India looks more to services as a means of livelihood than to other professions of an independent character which might ultimately contribute to greater prosperity. This leads to loss to the country of the brainiest of youths who could otherwise contribute to it; general progress by adopting creative professions; it also tends to make the youths slavish in their outlook.

Contrast the emoluments of the services in India with those in other countries. In the United States of America, the richest country in the world, the

and services of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favour, the English Company, we have granted them the Diwany of the Provinces of Bengal, Behar, and Orissa". And the Company had evidently accepted this position of "faithful servants" of the Emperor, although due to the weakness of the latter, the Sikhs, the Mahrattas, the provincial governors of Bengal, Oudh, Sind, and the Nizam of Hyderabad, the last of whom still pretending to be the Chief Minister at Delhi, had begun to assume sovereign powers. This disruption went on continually increasing on account of the scramble for power. The East India Company, too, found an opportunity to increase its influence by taking sides in the mutual quarrels between the Indian Chiefs.

Clive had foreseen the ultimate consequences of the internecine quarrels of the Indian Princes when he had declared that for the mere wishing India would be in English hands. He was succeeded by a line, sometimes broken by a few of them, of ambitious Governors-General who seized upon every suitable opportunity of augmenting British territory. Thus Warren Hastings, Lord Cornwallis, Marquis of Wellesley, Lord Hastings and Lord Dalhousie, the chief makers of British India, took, an active interest in the conquest of India by pieces, and in the dethronement of the weak princes. The last of these pursued his imperialistic policy to the extent of adopting the *doctrine of lapse*. Thus within a century the "faithful servants" became the *de facto* successors of the Moghul Emperor who was arrested and imprisoned after the

Mutiny, and whose sons were put to death for having waged war against the Company. The servants became the masters.

The Crown's Policy.—On the suppression of the Mutiny, the Indian possessions of the Company were transferred to the British Crown. On assuming the sovereignty of India, Queen Victoria stated her policy towards the Indian Princes in these words: "We desire no extension of our present territorial possessions; while we will permit no aggression on our dominions or our rights to be attempted with impunity, we shall allow no encroachment on those of others. We shall respect the rights, dignity, and honour of the native princes as our own and we desire that they, as well as our own subjects, should enjoy that prosperity and social advancement which can only secure internal peace and good government." This was a clear enunciation of the future policy of respecting the territorial integrity of the Indian princes, and a definite recognition of the *status quo*. These pledges were repeated, from time to time, by the British Sovereigns, particularly in 1878, 1901 and 1911. It is no doubt true that while the integrity of the territories of the States has been generally respected (acquisition of territory for construction of Railways having been made with their consent), the British Government, in the name of the Crown, has on many occasions interfered in the internal autonomy of the States and rights of the Princes.

A few examples of interference by the Paramount Power, as the Crown's authority has now been considered to be, will show how the States have been made to feel and realize that despite

the theoretical recognition of their internal independence, they are more or less at the mercy of the Paramount Power. Many Princes have resented it on the ground that such interference is in contravention of their treaty rights. Their chief grievance is the Political Department of the Government of India, which carries on these relations with the States in the name of the Crown, and has acquired power not contemplated by the terms of the treaties, sanads and engagements existing between the Crown and the States. In settling all disputes arising between the States and the Government of British India, the latter has acted, though professing to do so in the name of the Crown, as judge in its own case, and the disputes have not been referred to any judicial body. Thus the States are at the mercy of the Political Department, or of some influential officials thereof.

An important case of interference in the internal matters of the States occurred in 1873-75. His Highness Malhar Roy Gaekwar of Baroda, a *treaty State* enjoying *unrestrained power* was suspected as having made an attempt to poison the British resident. A Commission was appointed by the Government of India to investigate into the matter, and in the meanwhile it suspended the Gekwar and assumed direct administration of the State. On a protest being lodged by the Gaekwar against the appointment of the Commission on the ground that it violated his treaty rights, the Governor-General replied thus: "It has never been the wish of the British Government to interfere in the details of the Baroda administration, nor is it my desire to do so now. The immediate responsibility for the government of the State rests, and must con-

ture in rest, upon the Gaekwar for the time being. He has been acknowledged as the sovereign of Baroda, and he is responsible for exercising his sovereign powers with proper regard to his duties and obligations alike to the British Government and to his subjects. If these obligations be not fulfilled, if gross misgovernment be permitted, if substantial justice be not done to the subjects of the Baroda State, if life and property be not protected, or if the general welfare of the country and people be persistently neglected, the British Government will assuredly intervene in the manner which in its judgment may be best calculated to remove these evils and secure good government."

The words "in its judgment" occurring in the above reply have been so twisted on several occasions that the States have been made to accept the one-sided orders and decisions of the Government of India in cases in which the latter was itself a party.

As the final result of the Baroda case, the Gaekwar was deposed (although the Commission was divided in its findings and so its recommendation was not accepted) and the widow of His Highness Khundu Rao Gaekwar, was allowed in 1875 to adopt a son, in consideration of his loyal services.

In March 1891, another case happened. In the State of Manipur in Assam, there was an armed resistance against the British Government, and some British officers were murdered during the revolt. The State was occupied by British troops, and the Governor-General notified that only out of mercy the Government had decided not to annex the State and had graciously consented to re-establish native rule under conditions to be decided by the Governor-General in Council. One fails to under-

stand how these words were justified in view of the declarations of policy by the British Sovereign. At that time, the British Government further enunciated its policy towards the States so as to include the following principles:—

- (1) that the principles of international law have no bearing upon the relations between the British Government and the Native States;
- (2) that the paramount supremacy of the British Government presupposes and implies the subordination of the Native States;
- (3) that in the exercise of their high prerogative the Government of India have in a protected State the unquestioned right to remove by administrative order any person whose presence in the State may seem objectionable;
- (4) that the ruler and subjects of a Native State owe allegiance to the British Crown, and resistance or rebellion on their part against the authority of the British Government amounts to an offence, whether it be called waging war, treason, rebellion or by any other name, the commission of which justifies the exactation of adequate penalties from individuals concerned in such resistance as well as from the State as a whole;
- (5) that a Native State whose ruler is guilty of resisting lawful order of the British Government becomes liable to the extreme penalty of annexation.

Similarly, on other occasions the rulers of several other States have been compelled to the supreme will, no doubt based upon the superiority of physical force and

in no way justified by the canons of law or by the pledges to the Princes, of the Paramount Power. The Nizam, and the rulers of Indore, Nabha and Alwar, among others, had to suffer in varying degrees. This development of British policy towards the Indian States has been very nicely summed up in the following words :

"By degrees fresh usages and precedents were developed which carried the intervention in the affairs of the states far beyond the terms of the treaties and written agreements. In course of time a position was reached in which the British authority in all matters stood practically unchallenged. Though some of the states apparently possessed sovereign powers such as complete legislative financial and judicial authority, and even their own coinage, still the fact remained that the British Government recognised no inherent rights in the rulers of involuntary restraints on its own authority. The Crown claimed and defended this paramountcy on the grounds of imperial sovereignty, defence of the country, and discharge of international obligations. Though the degree of *de facto* control exercised by the paramount power considerably varied, the historical circumstances and local conditions being taken into account, there were certain claims which the British Government as Paramount Power invariably asserted and enforced."

Present Condition and Position of States.—The large patches of yellow colour interwoven in the pink map of India indicate the position and existence of the Indian States. Their total area and population are 712, 508 square miles and 81, 310, 845 persons out of 1, 805, 679 square miles and 352, 637, 778 persons for the

whole of India. The Butler Committee divided these States into three Classes, viz., States the rulers of which are members of the Chamber of Princes in their own right (108 in all). States the rulers of which are represented in the Chamber of Princes by twelve members of their order elected by themselves (127 in number), and the rest which are Estates, Jagirs, etc., and which total 327. Of the last mentioned, the number is increasing because of the fact that in most of them the system of all the sons sharing equally in succession to their fathers prevails. These fragmentation have resulted in reducing some of the so-called states into very small holdings with an area of a few acres and a population of a score of souls. But there are some very big States like Hyderabad with an area of 82,698 square miles, population 14,43,148, and an annual revenue of about eight crores of rupees. Its ruler enjoys a salute of 21 guns and the title of his Exalted Highness. The State maintains its own regular armed forces consisting of 974 men in cavalry and 4,978 in the infantry and artillery, besides an irregular force of 13,318 and a police force of 14,795. It maintains its own currency, postal and telegraph systems and its own railway. The State is almost as big as Italy. At the other end of the scale are very small estates or jagirs, particularly in Kathiawar and Simla hills which pay tributes to bigger states of which they are feudatories.

All the States have monarchical forms of Government, the rule in each being almost a despot. Some of them, the bigger ones, have started legislative bodies consisting of majority of nominated and a few elected members. These are merely advisory bodies to criticise the administra-

tion and suggest improvements, but whose decisions are only recommendatory with no binding force on the rulers. The rulers employ a number of officials of various designations, from Dewan to ordinary ministers and secretaries, to advise them in the administration of the States. A few of the States have established executive councils consisting of the ministers, each one of whom is in charge of some department or departments of administration. In most of the States, however, there is unadulterated despotic rule wherein the people (the subjects of the States) have neither security of property nor any rights, political or otherwise. Though some of the States keep regular budgets of their income and expenditure, in most of them all finances belong to the ruler who may spend them in such manner as he may like. Some of the States enjoy the right to impose the highest penalty (death sentence) in deciding cases, the rest have only few powers like those of magistrates in British India. Most of the advanced States have adopted the laws and legal codes of British India with or without amendments to suit their special cases. In the rest there is no rule of law or no impartial judicial system, on account of which the subjects have no security.

Many States have their own postal systems, their own railways, and their own coinage and currency. The rest take advantage of the systems prevailing in British India, for which purpose they have entered into treaties and agreements with the Government of India.

The states of Hyderabad, Mysore, and Travancore have their own Universities for giving higher education to their subjects, in almost all branches of

knowledge. Jaipur too has recently decided to have its own University. In these States there are all grades of educational institutions, primary to university stage. In other States like Baroda, Jodhpur, Udaipur, etc, there are degree colleges, high schools and primary schools. Some of the States (their number is very small) spend generously upon the education of their subjects and maintain other institutions like libraries for imparting general knowledge. The library system of Baroda, with travelling and village libraries, is unique in the whole of India.

The bigger States have their judicial systems organised on modern lines, with different grades of courts, giving right of appeal to the parties. The ruler, however, in each State is the head of the judicial system and exercises the prerogative of pardon or mercy. But in most of the States there is no judicial system worth the name, and this results in depriving their subjects of a fair chance of getting justice. This deficiency of the States has been a subject of constant criticism by their subjects as well as by people in British India.

The advanced States, like Hyderabad, Mysore, Baroda, Gwalior, Travancore, Kashmir, etc, devote considerable attention to the efficiency of administration, more or less on modern lines. They give active help to industries and all schemes of economic uplift. They maintain health and public works departments, among so many other departments, to provide amenities to their subjects. They take steps to develop the financial resources, agriculture, and industries, means of communication and transport, land revenue system, irrigation works, etc. With the general

awakening in India, most of the States have also realised the necessity of doing something to improve the general condition of their subjects. But their present efforts, though commendable, are yet too little to give relief to the people who are living under medieval conditions.

The bigger States have direct relations with the Government of India, in each of which there is a resident to act as the link between the Paramount Power and the state. But for smaller States there have been formed agencies, consisting of States situated in one locality, e. g., Central India States, Rajputan States, Kathinwar States, and the like. For each Agency there is an Agent to the Governor-General, who is to exercise in relation to the States under him the duties, in accordance with the orders received from the Governor-General, in respect of which the British Government has suzerain power over the States. Some States pay tribute in money to the Government of India either in consideration of the defence guaranteed to the States by the Paramount Power, or in recognition of the latter's suzerainty.

The Political Department of the Government of India deals with the States in regard to all matters in which they have relations with Crown. This department issues instructions to the political officers in the States, or the residents or Agents to the Governor-General, in all matters in which they have to advise the rulers of the States.

The Indian States are under obligations not to enter into relations with foreign powers or with each other, and the authority of their rulers does not extend outside their own territories. In all foreign matters the Paramount Power acts on behalf of the States; ~~when any subjects~~

of any State go outside India they are expected to be under the authority of the Government which issues them passports and secures them protection just as to the British Indians. All disputes arising between two or more States are referred to the Paramount Power for decision. The Indian States which maintain armed or military forces have to adopt all regulations regarding their equipment, discipline and general order, issued by the Government of India.

The extent of authority which the British Government, as Paramount Power, may exercise over the Indian States is not Subject to any involuntary restraints. It has assumed general responsibility for the internal peace and order, and satisfactory administration of the States. In the exercise of this power it has several times gone to the extent of deposing the rulars or curtailing their authority. The States are required to render all help, in subordinate cooperation, to the Paramount Power to resist all foreign aggression or to maintain internal order. All British subjects or foreign nationals living within the territories of the States are under direct authority and control of the British Government which enjoys rights of extra-territoriality in this regard.

In return for these obligations and as counterpart to the restrictions imposed upon the States, the latter enjoy protection from external attacks or internal rebellions, guaranteed by the British Government. They have freedom of trade, even to the extent of maintaining customs duties, subject, in the case of maritime States, to certain restrictions. Their subjects enjoy the right to enter public services in British India. Generally speaking, the States

enjoy considerable degree of autonomy in their internal administration.

The Chamber of Princes.—Before the introduction of the Montagu-Chelmsford Reforms of 1919, in India, the States lived in perfect isolation from each other. Even matters common to all or many of them used to be decided by the Paramount Power, either without having any consultations with them or by holding of small conferences of the States concerned. But on the recommendation of Mr. Montagu and Lord Chelmsford, the Chamber of Princes, of *Narendra Mandal* as it is sometimes called, was established "with a view both of securing the expression of their collective opinion and of providing opportunities for counsel and consultation in matters of common concern to India as a whole", and in matters in which the States are commonly interested.

The Chamber of Princes was set up, on February 8, 1921, by a Royal Proclamation. The inauguration ceremony was performed by the Duke of Connaught, on behalf of His Majesty the King-Emperor whose Proclamation read on that occasion stated. "In my former Proclamation I repeated the assurance, given on many occasions by my Royal predecessors and Myself, of my determination ever to maintain unimpaired the privileges, rights, and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable."

The Chamber consists of the Rulers of States (105 in number) who are in their own right members thereof, and 12 representatives of other States who elect them yearly by a group system. The Viceroy is the President of the Chamber, and all agenda for its meeting has to receive

The States and the Federation:—The physical situation of the States, their culture, their economic interest and their political status are such as to combine their destiny with that of British India. All movements in the one are sure to have their repercussions in the other. In this age of increasing internationalism and inter-dependence of nations the States can no longer remain unaffected by the political movements in British India. Realising the force of these factors, the Indian Princes who were invited to the first Round Table Conference in London (1930), decided to consider favourably the proposal of entering an All India Federation. They had already been assured by Lord Irwin, in June 1929 of the protection of their rights, when he said: "I make on secret of my view that in any proposals that may be made it is essential, on every ground of policy and equity, to carry the free assent of the Ruling Princes of India, and that any suggestion that the treaty rights which the Princes are accustomed to regard as sacrosanct, can be lightly set aside is only calculated to postpone the solution that we seek."

The Princes, therefore, attended the other two sessions of the Round Table Conference, held in London in 1931-32, and contributed to the discussions regarding the future of India as a Federation. They, however, made certain stipulations regarding their joining the Federation. They made it clear that they would enter the Federation only if (1) real responsibility is given to the Federal Government, i.e. they would not be a party to a Federation without real powers; (2) their rights secured to them under their treaties, sanads and engagements are not in any way affected.

except in so far as they willingly transfer to the control of the Federation such subjects as they consider to be of federal importance; (3) they enter the Federation of their free will, and on seeing the real picture of the Federation; (4) their sovereignty in internal matters not assigned to the Federation remains unimpaired; and (5, in all matters in which they have direct relations with the Crown, *viz.*, succession to throne, maladministration, etc., they will continue to have direct relations with the Crown and not with the Federation after the latter has been established.

The Government of India Act 1935 contains provisions for the establishment of the All India Federation. The States were given time to consider the proposal of their entering the Federation. We may discuss here the position of the Federated States (those States that consent to join the Federation) and of those that remain out of it, in the light of the Act.

The Federation will come into existence when States, the population of which is at least half the total population of all States, and when States who are entitled to not less than half the seats allotted to the States in the Council of State are prepared to join it.

The Ruler of a State that accedes to the Federation shall execute an *Instrument of Accession* (to be accepted by His Majesty), whereby the Ruler or himself his heirs and successors "declares that he acceds to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, be

subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by and under this Act", and also "assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession."

The *Instrument of Accession* will mention the subjects in relation to which the Ruler transfers his authority to the Federation for Federal purposes; thus the conditions of Federating may differ from State to State. A Ruler may also sign a supplementary Instrument of Accession to transfer more subjects to the authority of the Federation, *i. e.*, to extend the scope of the Federal Government in his State. After an Instrument of Accession has been accepted by His Majesty and the State concerned has joined the Federation, the Instrument will be binding upon all law courts, and none of its provisions would be called into question. The subjects in relation to which a State may federate are mentioned in list I to the Seventh Schedule to the Act, but the Ruler of a federating State may lay down limitations in his Instrument of Accession governing the extent to which his State federates.

In any federation the principle governing the powers of the federating units and the federal government is that all the federating units enjoy the same powers and are subject to the same limitations, but the Indian Federation makes a great departure against the strict principles of federalism, in two ways with regard to this division of powers. Firstly, the States are given a privileged position as

against British Indian Provinces; the former are allowed to choose of their free will the matters in which they would federate while the Province have to be under the federal government's authority in all matters laid down in the Act. Secondly, even amongst the States, the Act allows divergences, leaving each State free to choose its own conditions, *i. e.*, it permits inequality among the States themselves with regard to the extent to which they transfer their powers to the Federation.

Elsewhere, in federations, the principle governing the allocation of seats in the federal legislature generally is that in the lower house the units get representation on population basis, and in the upper house all of them get equal representation. But in the All India Federation, the States get one-third representation in the Federal Assembly (Lower House) for only one-fourth of the population. No doubt it is impossible to allot equal number of seats to every federating unit in the Federal Council of State on account of the number of States, their varying sizes and population, and also the differences in the Provinces still the proportion of the States' Representation (*i.e.* 40 percent) in the Upper House is too high.

The bigger States are given direct and individual representation in the Federal Legislature, while the smaller ones are given representation on group basis as mentioned in the First Schedule to the Act.

The principle of federalism is that a federation is a democratic state recognising the direct authority of the federal government over the citizens of the units, but in the Indian Federation there is no such thing as the direct authority of the Federation over the subjects in the Federated

CHAPTER XIV

India's International Status

As a Complete Dependency.—After the loss of her independence and the consequent establishment of the rule of the East India Company, India was reduced to a position of a complete dependency of England. The imperialistic policy pursued by the successive Governors-General, from Warren Hastings down to Dalhousie, reduced even the Indian Rulers of the States to a position of subordinate allies of the British. Even though the Queen's Proclamation of 1858, transferring the Government of India from the Company to the Crown, held out hopes and made definite promise, of equal treatment of all subjects of Her Majesty, whether of British or of Indian birth, yet in practice Indians felt the pinch of being slaves in their land of birth. This feeling became all the more painful on account of the richest heritage of Indians in their ancient civilisation, a fact admitted by liberal and far-sighted British statesmen who said that 'at a time when the ancient Britons were no better than savages, India was at the zenith of her highest culture.'

Greater contact with Britishers, and particularly the spread of English education, revived in the Indian mind the aspirations of gaining back what India had lost into foreign hand. The teachings of some of her great sons accelerated the movement. The British Government, not unmindful of the new spirit visible among the educated

classes in India, foresaw the necessity of granting some measure of authority to Indians. A beginning was made by the establishment of municipal and district boards. Later, the Councils were enlarged and representation of Indians increased. Even the Morley-Minto Reforms were meant only to give some opportunity to Indians to have a share in the system of government of their country. But the exclusion of Indians from all high and responsible posts under the Crown was only a reminder of India being a complete dependency of the British Crown. She was considered the richest and the most precious jewel in that Crown. British possession of India was looked upon by Britishers as the real cause of British supremacy in the world.

Towards Responsible Government.—The denial of responsible government to India was often justified on the ground of unsuitness of Indians for self-governing institutions. The presence of British rule was justified on the ground of trusteeship of a nation divided hopelessly by conflicting races and communities and its weakness to govern itself. The out-break of the Great War in Europe, in 1914, gave India an opportunity of making a serious demand for self-government. England had entered the War, and India was asked to give her fullest support and help, in order to prevent a weaker nation (Belgium) being made a prey of the greater might of Germany, and to uphold the sanctity of international treaties. Indians rallied to the cause, made sacrifices appreciated by all in England and elsewhere, and won for the allied cause the success it then deserved. The Peace Treaty was signed and India was allowed to affix

her signature in her own right, though not by any representative of the Indians.

Yet it marked a change. Already on August 20, 1917, His Majesty's Government had made an important pronouncement promising to India the grant of responsible government by a successive stages. The first instalment came in 1919, though it satisfied no party in India. However, it was a definite recognition of her changed status and position. Meanwhile the self-governing dominions in the British Empire had successfully obtained a position of greater autonomy within the Empire. They as well as India became original members of the League of Nations. India was also allowed to be represented at the Imperial Conferences from which she had been excluded upto 1915. Her right of reciprocity of treatment with the Dominions was definitely recognised; it was a very substantial gain in view of the fact that Indians in other parts of the British Empire were badly treated, particularly in the Union of South Africa. Though granted such rights of almost equality in the international field, India did not become a mistress in her own home. As a natural result of this, the world did not accord to Indians the same treatment as it accords to citizens of a free and self-governing country. Times out of number British Sovereigns and statesmen gave, and repeated, pledges of putting India on a basis of perfect equality with the other self-governing Dominions, but no active steps has so far been taken to accord to India this status.

The Statute of Westminster, 1931, defined the term 'Dominion Status' and clarified the International position which the Dominions came to occupy in the interna-

tional affairs. It gave the Dominions the right to amend their own constitution and to make laws in contravention of the laws of the British Parliament. And though Mr. Wedgwood Benn, the Secretary of State for India in the Labour Government, had said that already international field there was 'dominion status in action' in the case of India, her right to enjoy the same amount of freedom as is enjoyed by the Dominions was not recognised. And when the Statute of Westminster was being passed, it was made clear in the British Parliament that it would not apply to India. The situation became really perplexing to British statesmen, for all their promises to grant India the same status as enjoyed by the Dominions were made before the Statute of Westminster was made. Even Benn had not foreseen the implications to which his phrase 'dominion status in action' would become subject after 1931.

The denial to India of status of equality with the Dominions has only aggravated the demand of the extremists in India who now openly demand immediate independence for India outside the British Empire. It is no doubt true that India is now no longer the weak nation it was considered to be formerly, therefore a change in Britain's outlook is needed in the treatment of India as a member of the British Commonwealth.

India in International Affairs.—To a progressively increasing extent India's status in the world is being recognised as one of equality with the Dominions. Inside the Empire the question of trade between the members has of late become of great importance. The signing of the Ottawa Pact, and its subsequent repudiation or cancellation by India, as a result of vote in the Legislative Assembly of

India, is a case in point. World forces are moving so fast that no amount of legal wisdom to relegate India to a position of virtual dependency of Britain, and to deny to her the status of an equal partner in the Commonwealth will be of any practical value.

The Government of India Act 1935 empowers the Governor-General to exercise his special powers in regard to external relations with all countries except the territories within the Empire. This means that as soon as the subjects of defence and external affairs are also transferred to the control of the Indian Federation, if and when it is established, the Governor-General will automatically lose his special responsibility in external affairs. He will occupy the same position as a constitutional head of the government as the Governor-General of any other self-governing Dominion.

Meanwhile, in regard to the position of India in such international bodies as the League of Nations or the International Labour Office, there is in theory and to a great extent in practice, a status of equality with other nations. This will undoubtedly have great bearing upon her position inside the Empire of which she is alleged to be a willing and equal partner.

India and the League of Nations.—The League of Nations is a League of all the self-governing states or dominions which have accepted its membership. Para. 2 of the Article 1 of the Government says that any fully self-governing dominion, state or colony may become a member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effect-

tive guarantees of its sincere intention to observe its international obligations and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Judged in the light of this paragraph India is not entitled to the membership of the League of Nations because she is not a self-governing state or dominion, but under paragraph one of the Article, there were certain original members of the League which included all those states that were signatories to the Treaty of Versailles and as India was allowed to affix her signature to the Treaty in her own right, she became an original member of the League. It is very important, therefore, for India to have acquired a position of international equality with all other nations even if she be not a fully self-governing state. India has been sending three representatives to the sessions of the League Assembly, who, in the beginning, were led by the Secretary of State for India, but thereafter, on an insistent demand by the Indian people that their delegation must be led by an Indian, an Indian has been leading this delegation. India has contributed very materially to the objects of the Assembly on many important international questions that have come before the League. It is very disappointing here to note that so far India has not yet been given even a non-permanent seat on the Council of the League. But for this the League is not blame. It was, however, a hopeful sign of the times that H. H. the Aga Khan had presided over the League Assembly in the session of September 1937.

India is also a member of the International Labour

Office, and has been included as one of the 8 states whose industrial interests have been specially recognised by the Labour Office. She is, therefore, entitled to a permanent seat on the Governing Body of the International Labour Office. In all International Labour Conferences Indian delegation has been making its voice felt, and most of the decisions of these Conferences have been ratified by India, much to the advantage of the workers and labourers in this country. Even an ordinary railway employee would, if you ask him this question as to why his hours of work have been curtailed now as compared with the previous practice, immediately tell you that it is due to the Geneva Convention. He may not be able to tell you the full implications and details of the Convention but he would certainly name the Geneva Convention. That is how Indian Labourers and workers have been benefited by India's membership of an International Body.

Important Indians have attended the meetings of the League Assembly or of the International Labour Office in their capacity as members of the Indian delegation. Most important of the names are His Highness the Agha Khan, The Rt. Hon'ble Srinivas Shastri Sir Ali Imam, Sir C. P. Ramaswamy Ayer, Sir Mohd. Habibullah, Mr. S. M. Bapna, Sir V. T. Krishnamacharya, Lala Lajpat Rai, Diwan Chiman Lal and Sir Purshottam Das Thakur Das.

India contributes to the League Budget about 11 lacs of rupees per year, a very small sum when compared with her annual military expenditure which in peace times comes to about 45 crores. The League of Nations has opened in India a Bureau at New Delhi in order to popularise the League ideals and to answer queries in

regard to the work the League has been doing. There is also an Indian branch of the International Labour Office at New Delhi. This is concerned with the work that is being done by the International Labour Office for the benefit of the labourers of the world. On these two offices a part of India's contribution to the League Budget is spent. Besides, there are a few Indians in the Secretariat of the League of Nations one of whom is also in the Political Section. It is true in the League Secretariat the number of Indians has been very small but it is hoped that in future when the League is reorganised, India which has so far been under-represented would get special consideration. The most important work of the League in which India takes special interest, and ought to take special interest in view of her special culture, is the International Intellectual Co-operation. The most important work of this section is to bring about intellectual co-operation between various countries of the world, because, as we all know, thoughts precede action. If our thoughts are such as to emphasise the value of understanding between different peoples of the world, they would profoundly influence our action and we would not act in a way which might prejudice the peace of the world. The basic principle of India's culture that there ought to reign supreme peace in the world, whether in the air or on the land or on the waters, or in medicine or in food, that is in every conceivable place, will be fulfilled by her taking interest in the League and thereby contributing her share in the establishment of world peace. She would thus be proving true to her ancient culture. Her noblest sons like Asoka and Akbar, had always

thought of establishing country-wide peace and thereafter universal peace; modern India would be adding a contribution to the ideals of those greatest sons of hers by strongly advocating and supporting an international body of the type of the League of Nations. This would assuredly raise her international status in due course.

The social and humanitarian activities of the League have been of particular advantage to India. The Malaria Commission as well as the Committee appointed by the League to investigate into the evils of illicit traffic in women and children had visited India. India is a victim to both these evils and the reports of committees have proved very valuable in preventing malaria in this country as well as in reducing very materially the volume of illicit traffic in women and children. The League had established a Bureau at Singapore; it transmitted every day by means of wireless usefull information about any epidemic or sickness on board the steamers that passed through Singapore and called at Asiatic ports. This helped to check the spread or import of dangerous epidemics. Thus people were kept free from possible fields of dangers.

Every body knows how opium eating and use of other dangerous and poisonous intoxicants adversely affect the health of people. The League of Nations has been taking special steps to stop the cultivation of opium except for bare necessities for medicinal purposes, and India by becoming a signatory to the opium convention has stopped the cultivation beyond what is required strictly for medicinal purposes. In this way she is helping to wipe out the evil of opium eating, particularly in a country

like China which was a victim to this evil.

In the economic field also India can gain very much by working in co-operation with other nations through an international machinery, and develop her industries by signing conventions or commercial treaties with those countries with which she has a large volume of trade.

Every Indian has a duty to his family. He is born in it, and is, therefore, bound with its prosperity. After his family comes his village, in the progress of which he feels interested. After the village, as his circle of sympathies and duties increases, he looks to his Taluka or district, after that to his province and then to his country, and ultimately to that biggest organization of humanity which is called the world. It is only through an international League that an Indian can discharge efficiently his duty to the human race. There are very few at present who know the value of international co-operation and how it can be used as an instrument of peace in the world. Therefore, efforts should be made to impress upon the minds of students the usefulness of international organisations. Students are the most proper vehicle for disseminating such useful ideas to the people in general. It is they whose opinions and views will influence the future generation. Small study circles should be organised in all big cities in India where people can meet and discuss the problems of India's international co-operation. The press will prove to be of great help in this work. If the important news-papers of India determine to make the League ideals known throughout the country, the task can be done quickly. Contact should be established with foreign countries.

through travels and correspondence. This will enable the younger generation to feel sympathy for people in other lands, and their outlook of life will become international in preference to provincial or even national. Movements like the Boy Scouts and Red Cross Societies, which aim at service of humanity in general without any distinction of humanity in general without any distinction of race or nationality, should be encouraged to create fellow-feeling. Our teachers and students should be helped by the Government, in small batches, to visit centres of learning in other countries. This will enable us to understand the culture of those countries much better than we do now through books alone. And this correct understanding will avoid further misunderstandings. It is true that Dr. Rabindra Nath Tagore's noble institution, the Vishwa Bharati at Bolpur, is an international university where teachers from several foreign countries are teaching, but one such institution is merely a drop in the ocean. Many more of its kind should be started.

Literature dealing with brotherhood of man and hatred for war should be produced. In short, all possible measures should be adopted to popularise world peace ideas. Then and then alone India can understand the usefulness of the League ideals and use them for her good and ultimately for the good of humanity. This is a noble aim for which many of ablest sons worked in the past.

Thus will India attain her real status of equality with other nations of the world, and not by merely remaining confined to activities within her borders.

QUESTIONS.

1. Describe the international status of India as a member of the League of Nations. How does India gain from her membership of the League?
2. Enumerate the benefits India has received by being a member of the League of Nations.
3. What duties and rights does India's membership of the League of Nations involve?

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